PB-230 324

POLLUTION OF MORICHES BAY AND EASTERN SECTION OF GREAT SOUTH BAY AND TRIBUTARIES. PROCEEDINGS OF THE MEETING HELD AT PATCHOQUE, NEW YORK ON APRIL 23, 1968

Federal Water Pollution Control Administration
Washington, D.C.

23 April 1968

DISTRIBUTED BY:

NTIS

National Technical Information Service
U. S. DEPARTMENT OF COMMERCE
5285 Port Royal Road, Springfield Va. 22151

PB 230 324

PROGRESS EVALUATION MEETING

IN THE MATTER OF

POLLUTION OF MORICHES BAY AND THE

EASTERN SECTION OF GREAT SOUTH BAY

AND THEIR TRIBUTARIES

Felice's Restaurant

Patchogue, New York

April 23, 1968

9:30 A. M.

C O N T E N T S

	Page
Opening Statement (By Mr. Stein)	8
Closing Statement (By Mr. Stein)	123
STATEMENT BY:	
Kenneth H. Walker	10
J. C. Haberer	25
J. E. Harrison	66
J. C. Haberer	72
Dr. G. E. Leone	74
Nelson Slager	80
Emil Usinger	96
N. D. Houck	100
Mrs. James Sherard	106
E. S. Furman	113
W. Cosulich	118

Progress Evaluation Meeting in the Matter of Pollution of Moriches Bay and the Eastern Section of Great South Bay and their Tributaries, held at Felice's Restaurant, Patchogue, New York, on Tuesday, April 23, 1968, at 9:30 o'clock a.m.

P R E S I D I N G :

MR. MURRAY STEIN
Assistant Commissioner for Enforcement
Federal Water Pollution Control Administration
Department of the Interior
Washington, D. C.

C O N F E R E E S :

MR. DWIGHT F. METZLER
Deputy Commissioner
Department of Health
State of New York
Albany, New York

MR. LESTER M. KLASHMAN
Regional Director
Northeast Region
Federal Water Pollution Control Administration
Department of the Interior
Boston, Massachusetts

PARTICIPANTS:

MR. KENNETH H. WALKER
Deputy Director
North Atlantic Water Quality Management Center
Federal Water Pollution Control Administration
Department of the Interior
Edison, New Jersey

MR. JOHN C. HABERER
Assistant Commissioner
New Yor[illegible] State Department of Health
84 H[illegible]d Avenue
Alba[illegible] York

PARTICIPANTS (Continued):

MR. JOHN E. HARRISON
Regional Engineer
New York State Department of Health
222 Mamaroneck Avenue
White Plains, New York

GEORGE E. LEONE, M.D.
Commissioner of Health
Suffolk County Health Department
County Center
Riverhead, New York

MR. NELSON SLAGER
Member
Oyster Institute of North America
22 Main Street
Sayville, New York

MR. EMIL USINGER
Production Manager
Bluepoints Company
Atlantic Avenue
West Sayville, New York

MR. NELSON D. HOUCK
General Manager
Long Island Duck Farmers Cooperative
Eastport, New York

MRS. JAMES R. SHERARD
Water Resources Chairman
Suffolk County Council League of Women Voters
8 Ivy Hill Road
Oakdale, New York

OTHERS IN ATTENDANCE:

MR. MARK ABELSON
Regional Coordinator
United States Department of the Interior
Boston, Massachusetts

OTHERS IN ATTENDANCE (Continued):

MRS. ERIK BARNOUW
New York Water Resources Chairman
Tri-State League
League of Women Voters
16 Center Avenue
Larchmont, New York

MR. QUENTIN R. BENNETT
Marine Fisheries Sanitarian
New York State Conservation Department
4175 Veterans Highway
Ronkonkoma, New York

MR. F. X. CLINES
Reporter
The New York Times
6500 Jericho Turnpike
Commack, New York

MR. THOMAS CONDON
Reporter
Long Island Press
67 Harnell Road
Commack, New York

MR. HERBERT W. DAVIDS
Director
Division of Environmental Health
Suffolk County Department of Health
Suffolk County Center
Riverhead, New York

MR. S. A. DOLE, JR.
Fish and Wildlife Biologist
Bureau of Sport Fisheries & Wildlife
United States Department of the Interior
50 Maple Avenue
Patchogue, New York

MR. ALAN EYSEN
Reporter
Newsday
Ronkonkoma, New York

MR. E. V. FITZPATRICK
Federal Water Pollution Control Administration
Department of the Interior
Edison, New Jersey

OTHERS IN ATTENDANCE (Continued):

MRS. CARL FLATAU
League of Women Voters of North Brookhaven
30 Dartmouth Road
Shorehaven, New York

MR. J. FOEHRENBACK
Sanitary Chemist
New York State Conservation Department
Ronkonkoma, New York

MR. EDWIN S. FURMAN
President
Southampton Town Baymen's Association
Box 180
Hampton Bays, New York

MR. HOWARD B. GATES III
Senior Water Resources Engineer
New York State Department of Health
222 Mamaroneck Avenue
White Plains, New York

MR. N. B. GOLUB
Regional Chief of Maintenance
United States National Park Service
143 South 3rd Street
Philadelphia, Pennsylvania

MR. LOU GRASSO
Reporter
Long Island Advance
20 Metford Avenue
Patchogue, New York

MR. THOMAS J. HARMEAD
Secretary
Board of Supervisors
Suffolk County
County Center
Riverhead, New York

MR. JAMES H. HEIL
Assistant Public Health Engineer
Suffolk County Health Department
County Center
Riverhead, New York

OTHERS IN ATTENDANCE (Continued):

MR. JAMES HENKLE
Assistant to the Chairman
New York State Pure Waters Authority
545 Madison Avenue
New York, New York

MR. THOMAS N. HUSHOWER
Senior Sanitary Engineer
United States Public Health Service
26 Federal Plaza
New York, New York

MR. PETER A. ISAACSON
Fishery Biologist
United States Bureau of Sport Fisheries
& Wildlife
50 Maple Avenue
Patchogue, New York

MR. ALBERT C. JENSEN
Assistant Chief of Marine Fisheries
New York State Conservation Department
4175 Veterans Memorial Highway
Ronkonkoma, New York

MR. PETER L. JOHNSON
Conservation Consultant
Great Hamptons Conservation Association
Head of Pond Road
Water Mill, New York

MRS. A. W. JONES
League of Women Voters
2 Wellsley Lane
Smithtown, New York

MR. BENEDICT KEMPER
Assistant Hydraulic Engineer
New York State Division of Water Resources
Route 110
Melville, New York

OTHERS IN ATTENDANCE (Continued):

MR. ARTHUR J. KOERBER
Assistant Sanitary Engineer
New York State Department of Health
222 Mamaroneck Avenue
White Plains, New York

MR. DENNIS LEAVY
Suffolk Sun
303 Marcus Boulevard
Deer Park, New York

MR. REX LYONS
Photographer
Newsday

MR. CORNELIUS POILLOW
Executive Secretary
Long Island Fishermen's Association
Westhampton Beach, New York

MR. CARL ROZYCKI
Photographer
Long Island Press
92-94 168th Street
Jamaica, New York

MR. RANDOLPH M. STELLE
District Engineer (Long Island)
New York State Conservation Department
Division of Water Resources
150 Broad Hollow Road
Melville, New York

MR. ROBERT A. VILLA
District Engineer
Suffolk County Department of Health
County Center
Riverhead, New York

MR. DAVID WALLACE
New York State Conservation Department
Ronkonkoma, New York

OTHERS IN ATTENDANCE (Continued):

MR. H. D. WELLS
County Agricultural Agent
Suffolk County Extension Service
246 Griffins Avenue
Riverhead, New York

LT. COMMANDER C. H. WENTWORTH
United States Coast Guard
United States Coast Guard Dispensary
Governors Island, New York

MR. JAMES F. WOLFE
Chief Staff Engineer
National Park Service
28 East 20th Street
New York, New York

P R O C E E D I N G S

OPENING STATEMENT

BY

MR. MURRAY STEIN

MR. STEIN: This meeting is open.

This is a meeting of the conferees representing the State of New York and the United States Department of the Interior. The purpose of this meeting is to evaluate progress toward pollution control in the waters covered by the Federal conference in the matter of pollution of Moriches Bay and the eastern section of Great South Bay and their tributaries.

The first session of the conference was held September 20th and 21st of 1966, and the second session, June 21, 1967.

As a result of both these sessions of the conference, and after hearing statements from all interested parties who were given an opportunity to appear, and I think we had all the points of view pretty thoroughly expressed and discussed, the conferees, representing the State of New York and the United States Department of the Interior, agreed on a definite

remedial program with a time schedule.

This progress meeting is to determine just how far along we are.

The parties to this meeting are the conferees representing the United States Department of the Interior and the New York State Department of Health. On my left is Mr. Dwight Metzler of New York State. On my right is Mr. Lester Klashman, Regional Director of the United States Department of the Interior. My name is Murray Stein and I represent Secretary Udall.

A word about the procedures governing the conduct of the conference. The State and Federal representatives will be called upon to make statements, and they will also ask their invitees to make statements. It is suggested that anyone wishing to make a statement get in touch with either Mr. Metzler, Mr. Klashman or myself, and you will be called upon at an appropriate time.

It is also suggested that your comments and questions be reserved for your statement, because if we are going to move this expeditiously, the comments and questions will be limited to the conferees, who will be given that opportunity after each statement.

As you can see, we are making a verbatim transcript of the record, which should be available perhaps within three

months, which will be a complete record of what is said here. If appropriate, we will try to get a summary out on the conference earlier.

Mr. Klashman, will you call upon the Federal participants?

I would suggest that anyone other than the conferees making a statement come up to the lectern and identify themselves as to name and organization.

Mr. Klashman.

MR. KLASHMAN: I should like to first call on Mr. Kenneth Walker, Deputy Manager of the Regional North Atlantic Water Quality Management Center of the Federal Water Pollution Control Administration, located at Edison, New Jersey.

Mr. Walker.

STATEMENT OF KENNETH H. WALKER, DEPUTY DIRECTOR, NORTH ATLANTIC WATER QUALITY MANAGEMENT CENTER, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION, EDISON, N.J.

MR. WALKER: My name is Kenneth H. Walker. I am Deputy Director of the Federal Water Pollution Control Administration's North Atlantic Water Quality Management Center, located in Edison, New Jersey.

K. H. Walker

During the few months since the last session of the conference was held, considerable progress has been made towards resolving the pollution problems in the conference area. One action that has been completed is the approval by the Secretary of the Interior of the water quality standards established by the State of New York on its interstate waters. This action was taken in accordance with the provisions of the Water Quality Act of 1965, which amended Public Law 84-660, the Federal Water Pollution Control Act. This legislation gave the States the opportunity of adopting water quality standards on their interstate waters and submitting them to the Secretary of the Interior by June 30, 1967, for his approval.

New York State submitted its standards on its interstate waters, which included the coastal waters of Moriches Bay and Great South Bay, prior to the June 30 deadline. When the Secretary accepted these on August 7, New York became one of the first States to receive approval of its standards on its interstate waters.

At both the first and second sessions of this conference the conferees agreed that there are four major points involved in the total pollution control problems in the conference area. These are: (1) duck farm wastes, (2) domestic wastes, (3) sludge deposits in the bay waters, and (4) the bay inlets.

K. H. Walker

I understand that the New York State conferee intends to report on progress relative to the duck farm wastes and the domestic wastes so I will not discuss these further. I will instead report on progress being made toward resolving the problem of sludge deposits and the improvement of Moriches Inlet.

First let me review some of the recommendations made by the conferees at the last session of the conference that relate to these problems. These are:

1. The waters affected by duck waste sludge shall be surveyed to delineate accurately the extent, composition and possible deleterious effects of duck sludge. This survey shall be started immediately under the direction of Mr. Robert D. Hennigan of New York State, and Mr. Paul De Falco of the U. S. Department of the Interior. A report shall be made to the conferees within six months.

2. Pending completion of this survey, dredging of material containing sludge in the enforcement area from Patchogue River to the eastern end of Moriches Bay shall be pumped to the ocean for release. No spoiling of wastes from the area shall be placed on wetlands or in the waters of the adjacent bays. Ocean disposal shall be carried out as follows:

(a) Dredging and ocean disposal undertaken only from October 15 through May 15.

(b) Spoil to be disposed of directly into the ocean below the low water level.

(c) The spoil release point to be approximately 1.5 miles away from Moriches Inlet, and further where practical, unless a lesser distance is indicated at the time of the application for the dredge permit.

3. The completion of the Moriches Inlet stablization project shall be advanced. Such action will coincide and be in phase with the schedule for construction of other pollution abatement facilities in the enforcement area.

4. Great value would accrue to the long-range pollution control program in the enforcement area if the Corps of Engineers would construct a model of the Great South Bay and adjoining bays. Data obtained from operation of the model, together with prototype data from the bays, would provide much basic information necessary to devise a comprehensive solution of the inter-related water management of the bays.

The Federal Water Pollution Control Administration is currently cooperating with the New York State Department of Health, the New York State Conservation Department, and the Corps of Engineers to complete a survey delineating the extent of the duck sludge deposits in the waters of the conference area and to determine the actual amount of sludge that should be removed. As soon as this is completed, cost figures on the removal and disposal of these deposits will be developed. It

will then be necessary to review methods of funding this removal and disposal.

Under the terms of an interagency agreement, the Federal Water Pollution Control Administration reviews applications made to the Corps of Engineers for dredging permits. Since the last session of this conference, the Federal Water Pollution Control Administration has reviewed several such applications for dredging within the conference area. Our comments have included a stipulation that the applicant be made aware of the conference recommendations and that he be required to meet them.

The Corps of Engineers has constructed a model of the Moriches Inlet at its Waterways Experiment Station in Vicksburg, Mississippi, to determine the most effective method of stabilizing the inlet and providing for improvement of flushing of the bay by ocean waters. I have a statement from the Corps of Engineers describing progress made on this project which I would like to read next.

This completes my statement for the Federal Water Pollution Control Administration.

I would like to proceed and read the statement of the Corps of Engineers.

MR. STEIN: Let's see if we have any questions.

Are there any comments or questions?

MR. KLASHMAN: None.

MR. STEIN: Mr. Metzler?

MR. METZLER: I think not at this time. Let's wait until we hear the Corps' statement.

MR. STEIN: All right, I have a couple.

When will your study on the duck sludge deposits be completed, and what specifically are you doing?

MR. WALKER: We are working with the Health Department people and the Conservation Department people here to map out the tributaries of the bay which are filled, or partially filled, with the duck sludge to get an idea of the area, and then soundings will be carried out to make a determination as to the actual volume of what is involved, and then we will discuss this with the Corps to get an estimate on the cost of dredging this material out.

MR. STEIN: Yes, but when are you going to do this?

MR. WALKER: I think this will be done within a month.

MR. STEIN: The whole job will be done in a month?

MR. WALKER: In terms of this estimate, yes.

MR. STEIN: Can the conferees assume this, and maybe we are going to await this progress meeting, that you will have this work done on the estimate of where the sludge is and the depth of the sludge, within about a month? Will we be ready to

go to the next phase of discussions with the Corps of Engineers?

I guess you will not have costs until you have discussed this with the Corps. Is that correct?

MR. WALKER: Yes.

MR. STEIN: All right.

The next point I have is on the applications for dredging. It says that the Federal Water Pollution Control Administration makes recommendations that the applicant be aware of conference recommendations on dredging and disposal of the spoil.

Do you know if these are included in the permits which the Corps issues?

MR. WALKER: We assume they are. At the present time, the procedure is such that we do not get completed copies of all permits that are issued, but in our discussions with the Corps we have assurance that these are included in the permits as issued.

MR. STEIN: For the purposes of the record, it may be wise if we could get a list of the permits that were issued after the comments and probably have them on file with us and with New York State, so we can be sure that that is done, or if there is a violation by the dredger.

MR. WALKER: There is no problem for us to obtain that.

K. H. Walker

MR. STEIN: Do you think you can get that?

MR. WALKER: Yes.

MR. STEIN: Thank you very much.

MR. WALKER: All right.

This statement I will now read was prepared by the United States Army Corps of Engineers, New York District, and relates to the Moriches Inlet stabilization project.

"1. Authorization. The project was authorized by the River and Harbor Act of 1960, in accordance with House Document No. 126, 86th Congress, First Session.

"2. Project. The authorized plan provides for an entrance channel ten feet deep and 200 feet wide from the Atlantic Ocean to Moriches Bay and from there, an inner channel six feet deep and 100 feet wide to the Long Island Intercoastal Waterway; rehabilitation of existing jetties and revetments; seaward extension of both east and west jetties; and provision of sand bypassing facilities.

"3. Funds. Planning funds in the amount of $1,000 were allocated in FY 1967. The FY 1968 allotment of funds is $120,000. Funds in the amount of $140,000 have been programmed for FY 1969 to complete the planning.

"4. Design to Date. Advance planning was started in FY 1967. Hydraulic model studies are underway at the Waterways Experiment Station, Vicksburg, Miss.,

"to develop the best plan for the inlet stabilization and for bypassing across the inlet; to investigate the effect of the best plan on tidal interchange and currents; to develop the length and directions of the jetties; and to develop a dredging pattern in the bay in order to obtain sand borrow for the beach fill without detrimental effect on the inlet and on the bay. Towards this end, all the necessary prototype data for the model study have been obtained. These data include tidal recordings, current velocity readings, salinity measurements (taken in conjunction with FWPCA), water temperatures, soundings of Moriches Inlet and Bay, and high and low tide aerial surveys and controlled mosaics and topo survey of the bay shores. The construction of the model is complete. The model is being operated and adjusted to verify the hydraulic conditions in the bay inlet and ocean. The verification of the model will take about 60 days. A series of test plans have been set up. Each plan will be tested in the model and data will be evaluated as developed until the best plan of improvement is found. This part of the program will take approximately seven months. The publication of the report is anticipated to take six months after completion of the tests. Upon completion of the model tests and as the model results are

"furnished to the New York District, the development of the design in detail will be accomplished. Test soil boring work to develop possible areas of borrow in the bay inlet are scheduled for this month.

"5. Coordination. Close coordination is being effected with Federal and State Fish and Wildlife Services, FWPCA, New York State Department of Conservation, and the Suffolk County Department of Public Works on the development of the improvement. The matter of sand borrow, inspection of the model, and development of possible plans to be tested in the model were effected this month. The matter of local cooperation that must be implemented will be coordinated with state and county.

"6. Tentative Schedule. The basic design is tentatively scheduled to be completed in late 1968 and the plans and specifications are scheduled to be completed in June 1969."

That is the end of the statement.

MR. STEIN: Are there any comments or questions?

MR. METZLER: I would like to ask a question.

MR. STEIN: Yes.

MR. METZLER: Mr. Walker, would you review for our information the key steps that you feel are necessary between where we are at the present time and the actual starting of

dredging this sludge out? What do we have to do? What has to be done?

MR. WALKER: Well, we need to get an accurate determination of the volume and location of these deposits. We need to develop cost figures for removing these and the best way of removing them. I am assuming that it will probably be a dredging operation.

Then the cost of this will have to be reviewed for methods of obtaining the money to carry out this program. Possibly a special request to Congress may be in order to provide the funds for carrying out this program.

It depends on the size of what we are talking about as to the method that would be investigated for funding it.

MR. METZLER: Do you expect that at the end of thirty days you will have information on the volume, and you will know how much we are talking about?

MR. STEIN: And location?

MR. METZLER: Volume and location, so we know the amount and where it is?

MR. WALKER: Yes.

MR. METZLER: What are the plans for developing cost figures and the best method?

MR. WALKER: This I think we will work out with the Corps of Engineers, which we consider our authorities on

dredging operations.

MR. METZLER: They have made some studies, haven't they?

MR. WALKER: I understand they have. Yes.

MR. METZLER: Don't I recall seeing a report which indicates that the amount is something in the order of $350,000 a year for five years, to dredge that out?

MR. WALKER: I haven't seen this figure.

MR. KLASHMAN: I haven't seen that either.

MR. METZLER: I am reaching back in my memory, and when Mr. Haberer testifies from New York, maybe he can refer to this.

Does the Corps have someone here?

MR. WALKER: No, they don't.

MR. METZLER: I assumed they did not, since you read the paper.

MR. KLASHMAN: If you have a reference to that, I would very much like to follow it up.

MR. WALKER: Mr. Haberer showed me this a few moments ago. That was the first I have been aware of it.

MR. STEIN: If they have made that statement, we have to find out the amount and where it is, because they must have had that in order to make the statement.

MR. METZLER: That was the point of my question.

MR. STEIN: Go ahead.

MR. METZLER: Do you see any other possible way of financing?

As to the third step here, being the financing one, do you see any other possible way of financing except by way of Congressional appropriation?

MR. WALKER: If the costs are such that it might be feasible for all the agencies involved to participate on a cost-sharing basis, we might possibly work it out in this way.

We have many agencies in the area, the Conservation Department, you, us, and the Department of Public Works, all of which have an interest in this, and we would like to explore this as a possibility when we get to that point.

MR. METZLER: I just want to make one point quite clear now. There are sludge deposits in waters in New York State in various places, including the one down here, and the budget and appropriation of the New York State Health Department for it doesn't indicate that the legislature has any intention of us getting into the sludge removal business, so I think it would be unrealistic to expect the New York State Health Department, while we participate in the studies, to ever get into the business of financing the actual removal of sludge.

MR. STEIN: I think we may take this one step at a time, just to find out where the sludge is, how much there is, how much it will cost to remove it, or if it should be disturbed.

We have to keep an open mind on that, because with the stabilization of the inlets and possible control of the wastes in the bay, the determination might be made after the study that it might be best to leave the sludge where it is, and not move it.

MR. WALKER: This is a possibility.

MR. STEIN: Or, at least, in some areas.

Perhaps you can't answer this question, but are you satisfied that that model of the Corps of Engineers meets the recommendation of the conferees for setting up a model of Moriches Bay? Is this model large enough?

MR. WALKER: Yes. I was fortunate enough to go down to Vicksburg a couple of weeks ago, so I have actually seen this model in place. It is scaled on a size that they use for the inlet stabilization studies. In fact, they had one at the Fire Island Inlet.

They just completed this work on that, and I think these are of a size where the results they get are accurate, and so that they can make predictions and an evaluation of the best approach on this thing.

MR. STEIN: How big is the model? Does it take up a room this size, or is it smaller?

MR. WALKER: Well, of course, the inlet itself is relatively small and it is the supporting ocean and tidal --

MR. STEIN: Yes.

MR. WALKER: The model itself would occupy an area about the width of this room, and back half-way in the seating area.

MR. STEIN: You know, at the first two sessions of the conference we had testimony from the oystermen and the other men familiar with the sea and the inlet and the bay on where to cut through the channel, where to stabilize it, how deep to put it, and where to put the sand, and it is going to be interesting to me to see, after all this fancy data, how close they come to what the seamen around here and the oystermen felt they knew all the time. If they come pretty close, maybe we could have saved the money.

MR. WALKER: We feel they are on the right track anyway.

MR. STEIN: At least, it might be reassuring.

Are there any further comments or questions?

(No response.)

MR. STEIN: If not, thank you very much.

MR. WALKER: Thank you.

MR. STEIN: Mr. Klashman.

MR. KLASHMAN: I just want to make sure there is no one here from the United States District Corps of Engineers. Is there?

(No response.)

MR. KLASHMAN: Mr. Walker's statement, given for them, is their statement.

Is there someone here from the National Park Service of the United States Department of the Interior?

MR. GOLUB: Yes.

MR. KLASHMAN: Do you have a statement?

MR. GOLUB: No, I don't.

MR. KLASHMAN: That completes the Federal presentation, Mr. Stein.

MR. STEIN: We will now hear from New York State.

Mr. Metzler.

MR. METZLER: John Haberer, Assistant Commissioner of the Pure Waters Division of the New York State Health Department, is here to make a statement, and John Harrison is also here as a backup. He served as secretary, as you know, for the Coordinating Committee that was doing the ongoing work between the meetings of this conference.

Mr. Haberer will make the presentation.

STATEMENT OF JOHN C. HABERER, ASSISTANT COMMISSIONER, DIVISION OF PURE WATERS, NEW YORK STATE DEPARTMENT OF HEALTH

J. C. Haberer

MR. HABERER: Mr. Stein, Honorable Conferees, Ladies and Gentlemen:

I am John Haberer, the Assistant Commissioner, Division of Pure Waters, New York State Health Department.

This progress report updates the status of the pollution problems in the watershed of Moriches Bay and the eastern portion of Great South Bay which was discussed at the last conference in June of 1967. These problems pertain to untreated and inadequately treated duck farm wastes, domestic sewage, and residual sludge deposits in the receiving waters. Each item will be summarized in the following paragraphs. Detailed information is appended to the statement.

Now, I have extra copies of this statement if any of you are interested in having a copy.

Duck Farm Wastes

The Department of Health has cited the owners of 33 duck farms as polluters of surface waters. They have been placed under commissioner's orders containing a specified time schedule for preparation of plans, construction of needed waste treatment facilities and satisfactory operation of these facilities.

Basic design criteria of treatment facilities were predicated on a pilot plant which was constructed and placed into operation during 1967. Sampling of the plant effluent was

completed in November of 1967. Results of operation indicate that an aerated lagoon will reduce the biochemical oxygen demand and the suspended solids of the influent waste loads by 85 percent. The study revealed that substantial removal of phosphates cannot be obtained by the addition of lime. The tabulated data are shown in the attached Tables I, II and III.

As of April 1st, plans for 25 waste treatment facilities have been submitted and approved. Seven farm operators did not submit plans; one farm installed a spray irrigation system without prior plan approval. Six operators who failed to submit plans indicated that the farms would be closed and one operator advised there would be no discharge to surface waters. Nineteen farms have either ordered equipment, started construction or initiated both actions.

Agreements have been reached with operators of 30 farms to modify the existing orders containing a revised time schedule including further study of the phosphate problem. A study of a typical order is appended. The time schedule generally provides for start of construction by February 1, 1968, rather than November 1, 1967, and full operation of all facilities by June 30, 1968, instead of April 30, 1968. This is a two-month delay. Plans for phosphate removal provide for the following schedule:

(1) Completion of research and submission of

report to the State Health Department regarding phosphate removal facilities by October 15, 1969.

This provides two operating seasons for the operation of the lagoons, with experimentation on the phosphate removal.

(2) Submission of final plans for phosphate removal facilities to the State Department of Health by February 15, 1970;

(3) Commencement of facilities construction for phosphate removal by April 15, 1970;

(4) Completion of construction of said facilities according to approved plans by June 30, 1970;

(5) Submission of reports on phosphate removal every three months to the State Department of Health with the first report due May 1, 1968. This is a very close date.

Additional legal action comprising penalty assessment were initiated against seven farms; a copy of a typical hearing notice is appended. Four cases were adjourned to give the respondent time to develop a stipulated order, one case was discontinued when the owner agreed to stay out of business and the owner of two farms were set for trial. Stipulated orders signed by the Commissioner of Health provide for a penalty of $500 to be assessed if any date in the revised order is not

met. The other cases are still in litigation. Suffolk County Health Department and the State Department of Health are continuing their periodic inspections of farms to obtain evidence of chemical and flow data which can be introduced in the legal proceedings.

Municipal Wastes

Providing adequate sewage disposal facilities for the Village of Patchogue and the surrounding urban area continues to receive attention. County, State and local officials have been meeting to explore available financial assistance to provide for the construction and planning of facilities to serve an area-wide need. A decision is expected in the near future from the Town of Brookhaven regarding its willingness to participate in a program of regional sewage collection and disposal. If the reply is negative the village will proceed unilaterally taking advantage of existing State and Federal construction aid to solve its immediate sewage disposal problem.

Duck Sludge Deposits

Duck sludge deposits have created extensive sludge banks in the following areas:

Carmans River, Little Neck Run, West Mill Pond, Forge River above Long Island Railroad, Ely Creek, Forge River

north of Island Point, Old Neck Creek, Terrell River, Upper Left Fork of West Cove, Inner Heart Cove, Speonk River, Seatuck Creek, East River and two tributaries of the Tanner Neck Area.

Some of the streams are covered with a blanket of sludge over the entire stream bottom, varying from six inches to four feet in depth. In some cases navigation is impossible except at high tide.

Relating to Mr. Walker's statement, and this is not in the written statement, we are willing to cooperate with the Federal Water Pollution Control Administration to study the extent of the sludge deposits, as stated by Mr. Walker, if such a study is necessary.

My ears were very keen to pick up that he did not mention a price tag on it, so that is why I show this willingness.

We have just learned, and this is only as of April 6th, of the cost estimate for sludge removal contained in the Corps of Engineers reconnaissance report on an Aquatic Plant Control Program, dated August 1967, and we will support a formal request to the Congress of the United States for funds to dredge the sludge deposits.

I will get a copy of that report, so you can see what it is. It is on that chair, please.

That is the report that I referred to, and if you wish me to read into the record that last page, I will be very happy to.

MR. STEIN: All right. You can put it in.

MR. HABERER: It is up to you.

MR. STEIN: You can put it in the record. As I suspect, the Corps of Engineer has some very careful language.

(Laughter.)

Why don't you read that paragraph?

MR. HABERER: This is on Page 15 of the Aquatic Plant Control Program Reconnaissance Report dated August 1967, put out by the Corps of Engineers.

MR. STEIN: Could we have the local office?

MR. HABERER: Yes. It is the North Atlantic Division.

MR. STEIN: Right.

MR. HABERER: And it is called the "Preliminary Plan of Improvement." It is Item No. 34, and it reads as follows:

"The plan of improvement considered most suitable at this time for aquatic plant control in the New York District is as follows:

"(a) Begin removal of duck waste sludge deposits in these areas already surveyed and

continue procedures to locate all such deposits. The dredged materials should be deposited so as to cause no further bacterial contamination or enrichment to the bay. A logical annual program would cost $353,000 and should continue for five years. This is based on the known 874 acres of duck sludge, and estimating removal to a depth of one foot at $1.25 per cubic yard."

So endeth the reading.

In summary:

1. Nineteen duck farms are proceeding towards compliance.

2. Seven duck farms are closed or have no discharge.

3. Seven duck farms are not proceeding and we are taking action.

4. The Village of Patchogue has developed a time schedule cooperatively with the New York State Health Department.

5. Research on phosphate removal is continuing.

6. We will support a request to Congress for an appropriation for sludge dredging.

That finishes the report.

DUCK FARMS

Name of Farm	Name of Owner	Final Plans In	Status of Plans	Comments
Forge River Duck Farm	John Matteson	11/30/67	Approved Jan. 31, 1968	Modified, Penalty Assessment; No construction and no equipment ordered
Gallo Bros.	Michael Gallo	8/24/67	Approved Jan. 31, 1968	Modified, Penalty Assessment; Equipment ordered and no construction
Hallock Brookside Farm	Chester Wilcox	11/30/67	Approved Jan. 31, 1968	Modified; Penalty Assessment; No construction and no equipment ordered.
Jurgielewicz Bros. Farm	Same	10/3/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
Adam Kenas & Sons	Same			Closed
Peter Kostuck & Sons	Victor Kostuck	10/2/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
Kuczma Duck Farm	Steve Kuczma			Penalty Assessment; closed
Leszkowicz Farm	Egnatz & Adam Leszkowicz	10/17/67	Approved Jan. 31, 1968	Modified; No construction and no equipment ordered
Lukert, Wm. J. & Son	Same			Closed
Massey, Chester & Sons	Same	12/4/67	Approved Jan. 31, 1968	Modified; Penalty Assessment; Equipment ordered and Construction started
Oceanic Duck Farm	LeRoy Wilcox	No		No Discharge; Penalty Assessment; Case adjourned to 4/30/68
Anna Pacholk Farm	Same	10/17/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
Podlaski Joseph	Same	10/2/67	Approved Jan. 31, 1968	Modified; Equipment ordered and construction started
Smith Bros. Farm	Walter R. Smith			Closed

Reproduced from best available copy.

DUCK FARMS

Farm	Name of Owner	Final Plans In	Status of Plans	Comments*
Babinski Zygmunt	Same	No		Spray Irrigation System installed
Big Seatuck	Powell Bros. (George & Gorden)	10/12/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
Borak Farm	John Borak	10/5/67	Approved Jan. 31, 1968	Modified; No construction and no equipment ordered
Briery Acres Farm	Stanley Ogeka	10/2/67	Approved Jan. 31, 1968	Modified; No construction and no equipment ordered
C & R Tanners Neck	Howard Phillips	8/21/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
C & R Brushy Neck	Howard Phillips	8/24/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
Carman River Farm	Paul C. Robinson	8/21/67	Approved Jan. 31, 1968	Modified; Construction started and Equipment ordered
Certified Duck Farm	Harry Smith	1/31/68	Plans Approved 2/28/68	Modified; Construction started and Equipment ordered
Chi-Dux Farm	John Leary	10/2/67	Approved Jan. 31, 1968	Modified; Equipment Ordered and no construction
Chornoma Starley	Same	10/13/67	Approved Jan. 31, 1968	Modified; No construction and no Equipment ordered
Chornoma Paul	Same			Closed
DePiazzy Farm	Edward DePiazzy	8/21/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
East River	Harry Baker			Closed

DUCK FARMS

Name of Farm	Name of Owner	Final Plans In	Status of Plans	Comments
Adam Soroka Farm	Romanowski John	11/9/67	Approved Jan. 31, 1968	Modified, Penalty Assessment; Equipment ordered and construction started
Springwater Farm	Frank Lomaga	2/27/68	Approved March 12, 1968	Modified; Penalty Assessment; Equipment ordered and construction started
Swift Stream Farm	Foster Roberts	10/2/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
Tuttle Bros. Farm	Vernon Tuttle	8/21/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction
Vigliotta & Sons	Charles Vigliotta	10/2/67	Approved Jan. 31, 1968	Modified; Equipment ordered and construction started
Long Island Duck Farmers Coop, Inc.**	Same	10/23/67	Approved Jan. 31, 1968	Modified; Equipment ordered and no construction

Reproduced from best available copy.

* "Modified" refers to changes in time schedules contained in the original order issued by the Commissioner of Health against those farms violating provisions of the Water Pollution Law.

** Processing Plant

4/1/68

J. C. Haberer

MODIFIED ORDER

1/31/68

STATE OF NEW YORK DEPARTMENT OF HEALTH

In the Matter of Alleged Violations of
Article 12 of the Public Health Law by
JOHN BELLINI d/b/a MECOX BAY POULTRY FARM,
C. & R. DUCK FARM, INC. - Riverhead,
C. & R. DUCK FARM, INC. - Tanners Neck,
C. & R. DUCK FARM, INC. - Bushy Neck,
EDWARD DePIAZZY d/b/a DePIAZZY FARM,
PAUL C. ROBINSON d/b/a CARMAN RIVER FARM,
MICHAEL GALLO d/b/a GALLO BROS.,
THOMAS DEMKIN d/b/a SHUBERT DUCK FARM,
VERNON TUTTLE d/b/a TUTTLE BROS. FARM,
WALTER SEMASCHUK d/b/a BRIDGE VIEW DUCK FARM,
JOSEPH P. CELIC d/b/a BROAD COVE DUCK FARM,
STANLEY OGEKA d/b/a BREEZY ACRES FARM,
FOSTER ROBERTS d/b/a SWIFT STREAM FARM,
WILLIAM G. HUBBARD & WILLIAM G. HUBBARD, JR.,
d/b/a SUNRISE DUCK FARM,
JOHN G. LEARY d/b/a CHI-DUX DUCK FARM,

J. C. Haberer

EGNATZ LESZKOWICZ and ADAM LESZKOWICZ
d/b/a/ LESZKOWICZ FARM,
CHARLES VIGLIOTTO d/b/a VIGLIOTTO & SONS,
JOSEPH PODLASKI
GEORGE POWELL AND GORDON POWELL
d/b/a BIG SEATUCK FARM,
VICTOR KOSTUCK d/b/a PETER KOSTUCK & SONS,
CHESTER WILCOX d/b/a HALLOCK BROOKSIDE FARM,
JOHN MATTESON d/b/a FORGE RIVER DUCK FARM,
JOHN BORAK d/b/a BORAK FARM,
LONG ISLAND DUCK GROWERS MARKETING COOPERATIVE, INC.,
STANLEY CHORNOMA,
ANNA PACHOLK d/b/a ANNA PACHOLK FARM,
CHESTER MASSEY AND CHESTER MASSEY
d/b/a CHESTER MASSEY & SON,
EDWARD JURGIELEWICZ & JOSEPH JURGIELEWICZ
d/b/a JURGIELEWICZ BROS.,
JOHN ROMANOWSKI d/b/a ADAM SORAKA DUCK FARM
Respondents.

---------- X

S T I P U L A T I O N

IT IS HEREBY STIPULATED by and between the representative of the Respondents and the Counsel for the New York State Department of Health that the Orders of the Commissioner of

Health previously issued on June 24, 1965 and Modified on June 22, 1966, and Orders issued on June 28, 1965, and Modified on June 30, 1966, and Orders previously issued on September 9, 1966, September 19, 1966 and September 28, 1966 pertaining to all or some of the Respondents in the above entitled proceeding may be modified in the following respects:

THAT decretal paragraph 2(c) as to each respondent shall be modified to read that on or before February 1, 1968 construction of aerated lagoon treatment facilities in accordance with approved plans be commenced by the respondent,

THAT decretal paragraph 2(d) as to each respondent shall be modified to read that on or before June 30, 1968 construction of the aforesaid aerated lagoon treatment facilities in accordance with approved plans shall be completed by the repondent.

AND IT IS STIPULATED FURTHER, that decretal paragraph 2(a) as to each named respondent shall be modified so that paragraph 2(a) as it pertains to phosphate removal facilities to be provided by respondents, shall be revised as follows: (i) Complete research and submit report to the New York State Health Department in approvable form by October 15, 1969. (ii) Submit final plans for phosphate removal facilities in approvable form to the New York State Health Department by February 15, 1970. (iii) Commence construction of facilities for phosphate

removal by April 15, 1970. (iv) Complete construction of the said facilities according to approved plans by June 30, 1970. (iv) Complete construction of the said facilities according to approved plans by June 30, 1970. (v) Submit reports on phosphate removal every three months to the New York State Department of Health. First report due May 1, 1968; and the same may be made, served and filed.

IT IS FURTHER STIPULATED that in view of the modifications herein above agreed upon, that the date of January 2, 1967 appearing in decretal paragraph 2 of the State Health Commissioner's Orders or Modified Orders as the case may be, shall be changed to read June 30, 1968 and the date May 1, 1968 appearing in decretal paragraph 3 of the said Orders or Modified Orders as the case may be shall be changed to read June 30, 1970.

IT IS FURTHER STIPULATED that approval of this Stipulation by the New York State Department of Health shall not constitute a waiver of its rights under the Public Health Law to prosecute or assess penalties upon any subsequent default (s) by the Respondents under the Order attached and upon which this Stipulation is predicated.

DATED:

January 30, 1968 Signed Greenwald, Kovner & Goldsmith

Attorneys for Respondents

Signed Donald A. MacHarg

DONALD A. MacHARG, Counsel

New York State Department of Health

* * *

STATE OF NEW YORK DEPARTMENT OF HEALTH

----------x

In the Matter of Alleged Violations of

Article 12 of the Public Health Law by

JOHN BELLINI d/b/a MECOX BAY POULTRY FARM

C. & R. DUCK FARM, INC. - Riverhead,

C. & R. DUCK FARM, INC. - Tanners Neck,

C. & R. DUCK FARM, INC. - Bushy Neck,

EDWARD DePIAZZY d/b/a/ DePIAZZY FARM,

PAUL C. ROBINSON d/b/a CARMAN RIVER FARM,

MICHAEL GALLO d/b/a GALLO BROS.,

THOMAS DEMKIN d/b/a SHUBERT DUCK FARM,

VERNON TUTTLE d/b/a TUTTLE BROS. FARM

WALTER SEMASHUK d/b/a BRIDGE VIEW DUCK FARM,

JOSEPH P. CELIC d/b/a BROAD COVE DUCK FARM

STANLEY OGEKAV d/b/a BREEZY ACRES FARM

FOSTER ROBERTS d/b/a SWIFT STREAM FARM,

WILLIAM G. HUBBARD & WILLIAM G. HUBBARD, JR.,

d/b/a SUNRISE DUCK FARM,

J. C. Haberer

JOHN G. LEARY d/b/a CHI-DUX DUCK FARM,

EGNATZ LESZKOWICZ AND ADAM LESZKOWICZ

d/b/a LESZKOWICZ FARM,

CHARLES VIGLIOTTO d/b/a VIGLIOTTO & SONS,

JOSEPH PODLASKI,

GEORGE POWELL AND GORDON POWELL

d/b/a BIG SEATUCK FARM,

VICTOR KOSTUCK d/b/a PETER KOSTUCK & SONS,

CHESTER WILCOX d/b/a HALLOCK BROOKSIDE FARM,

JOHN MATTESON d/b/a FORGE RIVER DUCK FARM,

JOHN BORAK d/b/a BORAK FARM,

LONG ISLAND DUCK GROWERS MARKETING COOPERATIVE, INC.,

STANLEY CHORNOMA,

ANNA PACHOLK d/b/a ANNA PACHOLK FARM,

CHESTER MASSEY AND CHESTER MASSEY

d/b/a CHESTER MASSEY & SON,

EDWARD JURGIELEWICZ & JOSEPH JURGIELEWICZ

d/b/a JURGIELEWICZ BROS.,

JOHN ROMANOWSKI d/b/a ADAM SORAKA DUCK FARM,

Respondents.

----------X

ORDER MODIFYING PREVIOUS ORDERS

The Respondents in the above entitled proceedings having applied for modification of the Orders of the Commissioner

of Health previously issued on June 24, 1965 and Modified on June 22, 1966, and Orders issued on June 28, 1965 and Modified on June 30, 1966, and Orders previously issued on September 9, 1966, September 19, 1966 and September 28, 1966 to extend the date for abatement of Respondents discharges on condition they take scheduled corrective steps and to extend the time for performance of some three of the decretal provisions therof and it appearing to the undersigned that said Orders or Modified Orders shall be so modified; and the representatives of the parties thereto having stipulated that this Order might be made, filed and served.

NOW, on motion of the Respondents herein above named, it is ORDERED:

FIRST: That the date November 1, 1967 in paragraph 2(c) of the Orders dated June 24, 1965 and Modified on June 22, 1966, and Orders dated June 28, 1965 and Modified on June 30, 1966, and Orders dated September 9, 1966, September 19, 1966, and September 28, 1966 of the undersigned be and it hereby is changed and modified to read February 1, 1968.

SECOND: That the date April 30, 1968 in paragraph 2(d) of the Orders dated June 24, 1965 and Modified on June 22, 1966, and Orders dated June 28, 1965 and Modified on June 30, 1966, and Orders dated September 9, 1966, September 19, 1966 and September 28, 1966 of the undersigned be and it hereby is changed and modified to read June 30, 1968.

THIRD: That the date January 1, 1967 in

paragraph 2(a) of the Orders dated June 24, 1965 and Modified on June 22, 1966, and Orders dated June 28, 1965 and Modified on June 30, 1966, and Orders dated September 9, 1966, September 19, 1966 and September 28, 1966 of the undersigned shall be modified and revised to contain the following schedule of compliance by the Respondents in regard to phosphate removal facilities, and said Respondents are directed to:

(i) Complete research and submit report to the New York State Health Department in approvable form by October 15, 1969.

(ii) Submit final plans for phosphate removal facilities in approvable form to the New York State Health Department by February 15, 1970.

(iii) Commence construction of facilities for phosphate removal by April 15, 1970.

(iv) Complete construction of the said facilities according to approved plans by June 30, 1970.

(v) Submit reports on phosphate removal every three months to the New York State Department of Health. First report due May 1, 1968.

FOURTH: That the date of January 2, 1967 in paragraph 2 of the Orders dated June 24, 1965 and Modified on June 22, 1966, and Orders dated June 28, 1965 and Modified on June 30, 1966,

and Orders dated September 9, 1966, September 19, 1966 and September 28, 1966 of the undersigned be and it hereby is changed and modified to read June 30, 1968.

FIFTH: That the date of May 1, 1968 in paragraph 3 of the Orders dated June 24, 1965 and Modified on June 22, 1966, and Orders dated June 28, 1965 and Modified on June 30, 1966, and Orders dated September 9, 1966, September 19, 1966 and September 28, 1966 of the undersigned be and it hereby is changed and modified to read June 30, 1970.

SIXTH: That the previous Orders of the undersigned issued to all or some of the Respondents above named on June 24, 1965 and Modified on June 22, 1966, and on June 28, 1965 and Modified on June 30, 1966, and Orders issued on September 9, 1966, September 19, 1966 and September 28, 1966 as herein modified or revised are otherwise confirmed in all respects except wherein they may conflict or be contrary to the intent and purposes of the modifications provided for hereinabove.

DATED: Albany, New York

January 31, 1968 Signed Granville W. Larimore

GRANVILLE W. LARIMORE, M.D.
First Deputy Commissioner of Health of the State of New York

* * *

J. C. Haberer

STATE OF NEW YORK : DEPARTMENT OF HEALTH

----------X

IN THE MATTER

of

The Assessment of Penalties for Alleged Violations of an Order Issued by the Commissioner of Health of the State of New York

against

HAROLD T. HUBBARD

d/b/a WHITE BROOK DUCK FARM

(Riverhead-Suffolk County)

Respondent

NOTICE OF HEARING

----------X

TO: HAROLD T. HUBBARD d/b/a WHITE BROOK DUCK FARM

SIRS:

PLEASE TAKE NOTICE that pursuant to the provisions of Sections 1210(3(a)) and 1250(1) of the Public Health Law, you are required and hereby directed to appear in person or by attorney before a duly designated representative of the New York State Commissioner of Health at 12:30 P.M. on January 31, 1968 in Room 159 of the New York State Department of Health Building, 84 Holland Avenue, Albany, New York at a public hearing in the above entitled proceedings and answer orally and in writing the charges specified in the Complaint hereto annexed

and made a part hereof, at which time a motion will be made for the fixing of a date for trial of any issues raised in the pleadings before the Hearing Officer.

DATED: Albany, New York

December 7, 1967

HOLLIS S. INGRAHAM, M.D.
Commissioner of Health of the
State of New York

/s/By: Donald A. MacHarg
DONALD A. MacHARG, Counsel
New York State Department of Health
Commissioner's Designee for Issuance
of Notices of Hearings

TO:

HAROLD T. HUBBARD
d/b/a WHITE BROOK DUCK FARM
Flanders Road
Riverhead, New York

* * *

J. C. Haberer

STATE OF NEW YORK : DEPARTMENT OF HEALTH

---X

IN THE MATTER

OF

The Assessment of Penalties for Alleged Violations of an Order Issued by the Commissioner of Health of the State of New York

against

HAROLD T. HUBBARD

d/b/a WHITE BROOK DUCK FARM

(Riverhead - Suffolk County)

Respondent

---X

C O M P L A I N T

The Department of Health of the State of New York complaining of the Respondent in the above-entitled proceedings alleges as follows:

FIRST: A duly authorized Hearing was scheduled in the matter of alleged violations of Article 12 of the Public Health Law of the State of New York by Harold T. Hubbard d/b/a White Brook Duck Farm pursuant to due written notice in the manner prescribed by law on or about September 6, 1966.

SECOND: That thereafter on the aforesaid date and

prior to the conclusion of the aforesaid hearing, the representatives of the parties aforesaid entered into a written stipulation upon which a proposed order could be predicated and presented for the approval of the Commissioner of Health of the State of New York, and the attorneys for the Respondent herein, in effect agreed thereby for their client, that it would abide by the contents and directions contained in said Order if and after it should be approved and found by the said Commissioner of Health of the State of New York.

THIRD: That on the 9th day of September, 1966 the said proposed Order to which the Respondent had stipulated in writing was signed by the Commissioner of Health of the State of New York wherein he approved the Stipulation of the parties and found that facts exist as to pollution of the waters of the State and directed the Respondent to comply with an abatement schedule contained in his Order aforesaid and in the alternate upon default to cease and abate its polluting discharges into the waters of the State.

FOURTH: That a true conformed copy of the aforesaid Order of the Commissioner of Health was duly served upon the Respondent on September 22, 1966 by registered mail pursuant to Rule 76.18 of Part 76 of the Administrative Rules and Regulations (Title 10 N.Y.C.R.R.).

FIFTH: (1) According to decretal paragraph number

2.(a) in the abatement schedule of the Order issued September 9, 1966 and duly served upon the Respondent, the Commissioner of Health of the State of New York directed and ordered the Respondent to "On or before January 1, 1967 submit to the New York State Department of Health, through the Suffolk County Health Department, preliminary plans showing facilities for biological treatment of all such wastes and/or effluents thereof to the extent that at least 85% of the suspended solids and at least 85% of the biochemical oxygen demand and a substantial portion of the phosphates thereof and therein shall be removed and facilities for disinfecting such wastes and/or waste effluents to the extent that the final effluent shall at all times contain a chlorine residual of not less than one half part per million after not less than 15 minutes contact time and an MPN of coliform organisms not greater than 100 per ml. in at least 90% of the samples in a series thereof, provided that at no time may the MPN of such organisms in said final effluent exceed 10,000 per 100 ml.".

(2) According to the decretal paragraph 2.(b) of the aforesaid Commissioner's Order, the respondent was to "On or before August 1, 1967, submit final construction plans, in approvable form, prepared by or under the direction of a duly licensed professional engineer, for such facilities".

(3) According to decretal paragraph 2.(c) of the

aforesaid Commissioner's Order, the respondent was to "On or before November 1, 1967, initiate construction of such facilities".

(4) That the respondent did submit a preliminary report about thirty days late which was disapproved thereafter on April 28, 1967 and respondent was so notified and has been in violation of its stipulation and the Commissioner's Order since said date.

(5) That the respondent thereafter failed in all respects to submit final construction plans for corrective facilities, to this date and is thereby in default of said Commissioner's Order.

(6) That the respondent failed in all respects to initiate construction of corrective facilities to this date and is thereby in default of the said Commissioner's Order.

SIXTH: Upon information and belief that the requirements of Paragraphs 2.(a) (b) and (c) were not met and the respondent has been in default thereon for over 300 days in regard to requirements of 2.(a); for over 100 days in regard to requirements of paragraph 2.(b); and for over 30 days in regard to requirements of paragraph 2.(c); all affirmed by inspection, investigation and file research of records on the subject; and by said defaults is in violation of said Commissioner's Order of September 9, 1966.

J. C. Haberer

SEVENTH: Pursuant to Sections 1210(3(a)) and 1250(1) of the Public Health Law of the State of New York, the Respondent is liable to assessment of a penalty not to exceed Five Hundred ($500) Dollars for its violations of the said Order of the Commissioner of Health of the State of New York promulgated pursuant to Article 12 of the Public Health Law and to a further penalty of not to exceed One Hundred ($100) Dollars for each day during which such violations continue.

WHEREFORE, the Department of Health of the State of New York demands:

That the Respondent, Harold T. Hubbard d/b/a White Brook Duck Farm be assessed penalties for the aforesaid violations by it of the Commissioner of Health's Order dated September 9, 1966 with respect to its failure to comply with and obey the directions and orders therein contained to prevent contravention of the class and standards of surface waters of Peconic Creek into which it discharges in Suffolk County in accordance with the pertinent sections of the Public Health Law.

DONALD A. MacHARG, Counsel
New York State Department of Health
Office and P.O. Address
84 Holland Avenue
Albany, New York
Telephone #474-2956

J. C. Haberer

C E R T I F I C A T I O N

STATE OF NEW YORK)
)
COUNTY OF ALBANY) ss
)
CITY OF ALBANY)

WILLIAM L. GARVEY being duly sworn, deposes and says:

1. I am the Acting Chief of the Water Pollution Enforcement Section of the Pure Waters Division of the New York State Department of Healtn with offices in Albany, New York.

2. This verification is made by the deponent because the Complainant is an agency of the State of New York and the persons with direct knowledge of the pertinent facts of this case are not residents or present within the county in which the Complainant is located.

3. Deponent has read the foregoing Complaint and knows the contents thereof. The allegations therein are true to his own knowledge except as to matters therein alleged upon information and belief and as to those, he believes such matters to be true.

4. The sources of deponent's information and the grounds for his belief are files, records, and memoranda submitted by field personnel of this Department and the reports of investigation and telephone conversations made by and held with agents of the Department of Health made in the pertinent area

involved and reference to communications from Department personnel to my Section and to the Pure Waters Division as well as to information from Department Counsel's Office.

/s/ William L. Garvey

WILLIAM L. GARVEY

Sworn to and subscribed before
me this 6th day of December 1967

/s/ Arthur T. Singer

COMMISSIONER OF DEEDS

Albany, New York

* * *

PILOT PLANT DATA

DePIAZZY DUCK FARM

FEBRUARY 1967

to

NOVEMBER 1967

TABLE I

BIOCHEMICAL OXYGEN DEMAND

Date	Flow (gpd)	B. O. D. $_5$ - (ppm) Raw Waste	Aerated Lagoon	Final Effluent	% Reduction
2-27	44,000	64	19	9	86
3-2	37,000	112	25	28	75
3-6	61,000	340	39	24	93
3-16	47,500	580	56	30	95
3-20	21,500	150	18	10	93
3-30	47,500	45	80	24	31
4-3	44,000	123	23	11	91
4-6	21,500	128	16	13	90
4-10	44,000	160	34	15	91
4-17	47,500	180	34	14	92
4-20	47,500	96	24	5	95
4-24	52,000	152	27	18	88
4-27	52,000	136	35	18	87
5-1	47,500	183	19	6	97
5-4	87,500	114	13	7	94
5-8	47,500	196	29	8	96
5-11	87,500	121	19	10	92
5-18	47,500	76	23	10	87
5-22	24,000	70	20	5	93
5-25	36,500	172	37	14	94
5-29		94	21	3	97
6-5		132	--	32	76
6-8		156	39	24	85
6-12		228	25	13	98

TABLE I (continued)

BIOCHEMICAL OXYGEN DEMAND

Date	Flow (gpd)	B. O. D. 5 - (ppm) Raw Waste	Aerated Lagoon	Final Effluent	% Reduction
6-15	44,000	260	42	11	96
6-19	61,000	232	43	23	90
6-22	61,000	95	46	--	--
6-26	58,000	116	21	18	85
6-29	47,500	108	30	19	83
7-6	47,500	128	21	11	91
7-11	47,500	278	24	24	91
7-13	47,000	259	41	25	90
7-18	44,000	216	45	11	95
7-20	36,500	160	34	8	95
7-24	47,500	89	23	16	82
7-27		96	28	12	88
7-31		116	21	3.6	97
8-7	47,500	115	27	12	90
8-10	30,000	116	30	23	80
8-14	47,500	109	26	13	88
8-17	61,000	117	29	13	89
8-21	19,000	256	40	--	--
8-24	19,000	100	23	3	97
8-28	30,000	62	20	10	84
8-31	52,000	168	25	9	95
9-5	24,000	140	28	4	97
9-7	47,500	63	15	7	89
9-11	82,000	66	26	8	88
9-14	66,000	44	27	7	84

TABLE I (continued)

BIOCHEMICAL OXYGEN DEMAND

Date	Flow (gpd)	B. O. D. 5 - (ppm) Raw Waste	Aerated Lagoon	Final Effluent	% Reduction
9-18	24,000	164	23	11	93
9-21	47,500	98	18	8	92
9-25	82,000	84	17	4	95
9-28	82,000	50	25	6	88
10-2	70,500	66	27	16	74
10-5	66,000	84	23	19	77
10-9	61,000	181	32	22	88
10-16	19,000	224	22	--	90
10-19	87,500	144	24	14	90
11-13	78,000	90	30	17	81
11-16	61,000	72	34	26	64
11-20	64,000	62	28	1	98
11-22	87,000	180	32	1	99
11-27	90,000	62	19	--	70

TABLE II

SUSPENDED SOLIDS

Date	Flow (gpd)	Suspended Solids			% Reduction
		Raw Waste	Aerated Lagoon	Final Effluent	
2-27	44,000	184	22	14	92.5
3-2	37,000	98	22	16	83.5
3-6	61,000	810	70	19	97.5
3-16	47,500	220	35	2	99.0
3-20	21,500	406	28	13	96.8
3-30	47,500	76	200	6	92
4-3	44,000	184	52	16	91.5
4-6	21,500	152	34	11	93
4-10	44,000	530	108	25	95.5
4-17	47,500	1400	40	22	98.5
4-20	47,500	842	54	20	97.6
4-24	52,000	582	36	42	93
4-27	52,000	1510	46	12	99.0
5-1	47,500	450	38	16	96.5
5-4	87,500	140	19	76	45.7
5-8	47,500	1420	57	15	99.0
5-11	87,500	188	36	15	92
5-18	47,500	816	95	15	98.2
5-22	24,000	308	39	50	84
5-25	36,500	808	99	26	97
5-29		444	44	12	97
6-5		896	80	--	--
6-8		938	126	74	91
6-12		726	92	12	98
6-15	44,000	834	110	20	90

TABLE II (continued)

SUSPENDED SOLIDS

Date	Flow (gpd)	Suspended Solids			% Reduction
		Raw Waste	Aerated Lagoon	Final Effluent	
6-19	61,000	368	118	36	90
6-22	61,000	248	152	49	80.5
6-26	58,000	230	84	11	95
6-29	47,500	140	74	20	85.8
7-6	47,500	546	37	15	97.5
7-11	47,5--	354	42	28	92
7-13	47,000	320	55	33	89.8
7-18	44,000	712	212	23	96.8
7-20	36,500	910	180	18	98
7-24	45,500	418	127	17	96
7-27		668	109	12	83
7-31		1156	101	4	99
8-7	47,500	226	26	3	99
8-10	30,000	194	21	4	98
8-14	47,500	350	36	9	97.5
8-17	61,000	282	26	17	93.5
8-21	19,000	1830	19	--	---
8-24	19,000	1830	29	15	99
8-28	30,000	142	10	5	96.5
8-31	52,000	880	43	24	97.4
9-5	24,000	268	29	18	93
9-7	47,500	196	27	18	91
9-11	82,000	928	23	18	98
9-14	66,000	85	35	18	79

TABLE II (continued)

SUSPENDED SOLIDS

Date	Flow (gpd)	Suspended Solids			% Reduction
		Raw Waste	Aerated Lagoon	Final Effluent	
9-18	24,000	381	25	22	94
9-21	47,500	126	26	25	80
9-25	82,000	84	19	17	80
9-28	82,000	313	31	30	90
10-2	70,500	156	39	29	85
10-5	66,000	108	29	12	89
10-9	61,000	782	45	19	97
10-16	19,000	408	31	1	
10-19	87,500	318	39	35	89
11-13	78,000	204	78	40	80
11-16	61,000	33	38	29	
11-20	64,000	78	29	28	64
11-22	87,000	538	38	37	97
11-27	90,000	464	34	20	96

TABLE III

TOTAL PHOSPHATE

Date	Flow (gpd)	Lime Added (lbs/ day)	Total Phosphate			% Removal
			Raw Waste	Aerated Lagoon	Final Effluent	
2-27	44,000	none	20	10	10	50
3-2	37,000	none	20	14	14	30
3-6	61,000	none	90	14	10	89
3-16	47,500	none	20	22.5	15	25
3-20	21,500	none	65	17.5	15	77
3-30	47,500	20	24	40	25	--
4-3	44,000	20	28	25	22	42
4-6	21,500	20	44	25	22	50
4-10	44,000	20	76	27	25	67
4-17	47,500	30	104	28	22	79
4-20	47,500	30	56	36	30	47
4-24	52,000	30	72	41	58	38
4-27	52,000	30	56	49	29	48
5-1	47,500	30	80	40	35	56
5-4	87,500	30	42	30	30	29
5-8	47,500	30	140	56	42	70
5-11	87,500	30	62	50	43	31
5-18	47,500	40	66	52	44	33
5-22	24,000	40	32	37	23	28
5-25	36,500	40	116	83	35	70
5-29		[illegible]	62	44	18	71
6-5		--	88	50	--	--
6-8		--	80	38	39	51
6-12		--	152	64	56	63

TABLE III (continued)

TOTAL PHOSPHATE

Date	Flow (gpd)	Lime Added (lbs/ day)	Total Phosphate			% Removal
			Raw Waste	Aerated Lagoon	Final Effluent	
6-15	44,000	40	108	46	42	61
6-19	61,000	40	132	46	30	77
6-26	58,000	40	74	64	66	24
6-29	47,500	40	42	32	32	39
7-11	47,500	40	98	30	28	65
7-13	47,500	40	74	34	28	76
7-18	44,000	40	70	41	28	75
7-20	36,500	40	60	36	27	55
7-24	45,500	40	46	44	32	31
7-27		--	54	47	36	33
7-31		--	48	44	22	54
8-7	45,500	40	42	30	32	24
8-14	47,500	40	76	49	57	25
8-17	61,000	40	66	34	32	52
8-21	19,000	40	60	28	--	--
8-24	19,000	40	56	28	10	82
8-28	30,000	40	34	37	27	21
8-31	52,000	40	54	54	47	31
9-5	24,000	40	56	32	24	57
9-7	47,500	40	32	34	32	--
9-11	82,000	40	22	26	25	--
9-14	66,000	40	20	24	25	--
9-18	24,000	40	45	26	23	50
9-21	47,500	40	24	23	22	10

TABLE III (continued)

TOTAL PHOSPHATE

Date	Flow (gpd)	Lime Added (lbs/ day)	Total Phosphate			% Removal
			Raw Waste	Aerated Lagoon	Final Effluent	
9-25	82,000	40	26	24	23	10
9-28	82,000	40	16	20	19	--
10-2	70,500	40	23	26	24	--
10-5	66,000	40	---	--	--	--
10-9	61,000	40	39	23	21	46
10-16	19,000	50	36	19	1	(Probable error)
10-19	87,500	50	---	--	--	--
11-13	78,000	50	19	16	14	27
11-16	61,000	50	8	16	16	--
11-20	64,000	50	14	16	14	--
11-22	87,000	50		18	14	22
11-27	90,000	50	20	24	16	20

MR. STEIN: Are there any comments or questions?

Mr. Klashman?

MR. KLASHMAN: Mr. Haberer, on the extension of the dates, I am not clear as to how these dates that you have in your report vary from the dates that were in the conference conclusions and also in the standards.

MR. METZLER: It is from May 1 to July 1.

MR. KLASHMAN: It is just a question of a matter of a few months?

MR. STEIN: It is a two-month delay.

MR. HABERER: For the completion of construction, it is only the two-month time. There has been change on the other dates also, but this is the controlling date.

MR. KLASHMAN: Are they actually going to meet these dates? I noticed that there was a date here of April --

MR. HABERER: It is June 30, 1968, I think that you are referring to.

MR. KLASHMAN: Which is just another few months?

MR. HABERER: That's right.

MR. KLASHMAN: For a start of construction, the point is that it is February 1968 instead of November 1967. Did they meet the February 1968 date? Did they actually start construction in February 1968?

MR. HABERER: Some of them did. I know that some

of them did not, because we have started actions against those.

MR. STEIN: Let me see if I can clarify this, and if I do not, correct me.

There may have been some adjustments in the interim dates. However, we are talking just now about the treatment of the duck wastes. Is that right?

MR. HABERER: Yes.

MR. STEIN: Some of the farms are either going out of business or they are not discharging to surface waters. For those that are going to be continued, they will be in operation with a two-month delay from the date originally set, although there may have been some interim adjustments to get this going.

However, there are some duck farmers which are not in compliance and the State is taking appropriate legal action against them.

Is that a fair statement?

MR. HABERER: That's right, and our regional man and our county Health Department men are on top of the job, and if they see any faltering, why, then that is their job to report it to us, for us to take action.

MR. KLASHMAN: The next thing is on the phosphate removal.

What was the original date on that?

MR. HABERER: I don't have the original date on that

in front of me, but I assume it was April 30, 1968, which would have been the original date for the placing in full operation the treatment facilities, including the phosphate removal.

When the plans were submitted, they included phosphate removal equipment, but not removed to the extent that we considered necessary, so, therefore, in order to get the plans under way and construction started, we put off the date of the design for facilities to remove a higher percent of phosphate to a later date, which would allow for further experimentation and research.

MR. KLASHMAN: I'm with you on that.

MR. HABERER: Does that answer the question?

MR. KLASHMAN: Yes, I understand what you are saying.

MR. HABERER: Did that answer the question, though?

MR. KLASHMAN: Yes.

MR. HABERER: All right.

MR. KLASHMAN: The last thing I wanted to ask was, in the case of Patchogue, and I am referring to Page 3, "Municipal Wastes," as I understand it, the problem is whether Patchogue join a regional facility that Brookhaven would operate, or whether it would go alone.

First, if Brookhaven is going to have a regional facility ultimately, do we have any idea of what the timing

might be?

MR. HABERER: Yes. I think that I would furlough to Mr. Harrison, who just finished a conference with the Mayor this morning, so I think he would be up to date and right on the minute as to what the agreement was.

MR. METZLER: Well, isn't the Mayor going to testify on this a little later, and wouldn't it be appropriate to wait?

MR. KLASHMAN: Why don't we wait?

(Voice from the audience stated that the Mayor would not be there.)

MR. METZLER: The Mayor will not be here. I'm sorry. Then it is appropriate for Mr. Harrison.

MR. HABERER: Are there any other questions?

MR. STEIN: Let's get this one first. If you want Mr. Harrison to answer it, Mr. Harrison, would you come up, please?

STATEMENT OF JOHN E. HARRISON, REGIONAL ENGINEER, NEW YORK STATE DEPARTMENT OF HEALTH, 222 MAMARONECK AVENUE, WHITE PLAINS, NEW YORK

MR. HARRISON: Actually, Mr. Klashman, there was never a thought of the Town of Brookhaven having a regional facility on its own. What we are talking about is taking some of the area of the Town of Brookhaven to go in with the expanded Village of Patchogue plant.

J. E. Harrison

MR. KLASHMAN: Excuse me. In other words, Patchogue would actually be a regional plant.

MR. HARRISON: Patchogue would build the facility, and some of the area which is a natural drainage area to the village and the town would be included.

At the present time, the Village of Patchogue has agreed with us on a schedule for construction of a secondary facility from their present plant. At the present time they have a primary treatment plant serving the business area, and they will expand this to secondary treatment.

At the same time, a design of that plant will include the remainder of the village and part of the Town of Brookhaven.

MR. KLASHMAN: In other words, if Patchogue goes alone, the way the engineering will be, the engineers will anticipate that in time the plant will be expanded to handle this additional load, and the plant will be designed so that it can be expanded?

MR. HARRISON: That is right.

MR. KLASHMAN: Thank you.

MR. STEIN: While we are on that, the determination has not been made whether Patchogue will go alone yet as of your last conference. Is that so or not?

MR. HARRISON: We are asking the Town of Brookhaven

to give us this answer within a month.

MR. STEIN: If the answer is negative from Brookhaven, or even if it is positive, will Patchogue have their secondary treatment plant with chlorination in by December 31, 1969?

MR. HARRISON: This is what the Mayor has told us, that they will have it in by the end of 1969. I have the feeling that it will be probably closer to the middle of 1970.

We have talked with the Federal Water Pollution Control Administration on construction grant aid, and our schedule now reads in the middle of 1970 for the construction of secondary treatment.

MR. STEIN: If Brookhaven does not go in with Patchogue, will Brookhaven have to put in their own treatment facility?

MR. HARRISON: No, not at the present time. They are served by individual cesspools.

They are included in the comprehensive study of the five western towns, and eventually there will be sewers, but it was our feeling in the Coordinating Committee that sewers would not reach this area for quite some number of years, and this is the reason why we have requested that the Village of Patchogue put in secondary treatment now.

MR. STEIN: That brings us to another point while

you are here. This is one of the last of the recommendations of the conferees, that area-wise, drainage collection systems and treatment are necessary for the protection of the Moriches Bay and Great South Bay.

Presumably, they are moving towards that very, very slowly, if at all.

MR. HARRISON: This is true.

MR. STEIN: This, of course, is going to present a key problem. We may get the channel built; we may get something done about the sludge; we may get the duck farms set up; we may get Patchogue putting in secondary treatment; but I don't know that the millenium is going to arrive here without that area-wide collection and treatment system.

I think this is something that the people in the area will just have to face if you are thinking about utilization of the waters of Moriches and Great South Bay for the maximum number of water uses, and particularly for the harvesting of shellfish and the availability of those shellfish for marketing in interstate commerce.

Are there any other questions?

MR. METZLER: I would like to ask Mr. Haberer one other question.

MR. KLASHMAN: Mr. Harrison, could I just get something clear in my mind?

J. E. Harrison

This date of December 31, 1969, for Patchogue ties in with some other dates. Do you know offhand what they are? That is, the dates when they are supposed to have the plant --

MR. HARRISON: We have revised a schedule on the fact that the committee has recommended that part of the area in the Town of Brookhaven be included, so I can give you the interim dates.

MR. KLASHMAN: How much do they vary from the original?

MR. HARRISON: The final construction date would only be approximately five months from that.

MR. KLASHMAN: I meant the interim dates.

MR. HARRISON: And the interim dates are only within a month or two.

MR. KLASHMAN: When were the plans supposed to be in?

MR. HARRISON: I can look that up for you.

MR. KLASHMAN: I would like to know when they were supposed to be in, and when they will be in.

MR. STEIN: Mr. Metzler?

MR. METZLER: My questions would be directed to Mr. Haberer.

If you want to finish up this line that Mr. Klashman started on, I would just suggest we hold up until he gets the

information for him.

MR. STEIN: All right.

MR. HARRISON: The original schedule read: Submit preliminary plans January 1, 1968. Now we are talking about approximately September of 1968.

MR. KLASHMAN: So that is about eleven months?

MR. HARRISON: Eleven months.

MR. KLASHMAN: What is the next?

MR. HARRISON: It was June 1st to submit final plans, but this will not change too much. It will be about July 1st.

MR. KLASHMAN: It was supposed to be June 1st of --?

MR. HARRISON: 1968, so this will be still that eleven months.

MR. KLASHMAN: And the final plans will be twelve?

MR. HARRISON: No. The final plans will be July 1, 1969.

MR. KLASHMAN: July 1969, and then the next date was?

MR. HARRISON: The start of construction.

MR. KLASHMAN: Right; which is when?

MR. HARRISON: Which would be approximately November 1, 1969, and then one year for its construction.

MR. KLASHMAN: So, according to this the final date

of construction will be November 1970?

MR. HARRISON: Right. One year construction.

MR. KLASHMAN: It will be November or December of 1970?

MR. HARRISON: Yes.

MR. KLASHMAN: Thank you very much.

MR. HARRISON: All right.

MR. KLASHMAN: It is about a year.

MR. HARRISON: About a year; yes.

MR. STEIN: Thank you.

Mr. Metzler?

MR. METZLER: I wanted to go back with Mr. Haberer a little bit in connection with the duck farmers, who are not meeting the schedule.

What alternatives does the Commissioner of Health have in enforcing his orders?

FURTHER STATEMENT OF JOHN C. HABERER

MR. HABERER: We can call a hearing and sit in judgment on whether or not they have met the conditions, and finding that they have not, he can assess a penalty up to $500 for first penalty, with $100 a day that they operate thereafter.

MR. METZLER: Has he done this on any polluters up until now?

MR. HABERER: I don't believe that there has been

an actual --

MR. METZLER: I am not talking about duck polluters. I am talking about any sources of pollution.

MR. HABERER: Yes. We have in several industries made an assessment.

MR. METZLER: And has he actually been assessed a daily fine as well as an initial fine?

MR. HABERER: No. I think it was an initial fine.

MR. METZLER: How about Pennsylvania Railroad?

MR. HABERER: That is the one I am trying to think about. That was an initial fine plus a certain number of days, so it was based on a daily fine also.

MR. METZLER: What other alternatives, in addition to the penalties or fines, are open to him?

MR. HABERER: Well, he can go the full extent of asking for an injunction.

MR. METZLER: And the injunction would be for what purpose?

MR. HABERER: For ceasing operations.

MR. METZLER: What is your impression of his determination on how to handle these? Does he use one or both, or neither one?

MR. HABERER: I anticipate that the Commissioner of Health will use both, and wherever needed.

MR. METZLER: Well, wherever needed? When is this

going to happen? Is he going to be willing to give duck farmers another six months or a year?

MR. HABERER: I would say that we have come up with a very firm schedule, and that this is what we intend to stick to.

MR. METZLER: All right, and anyone not in compliance on July 1st can't expect any further mercy. Is that what you said?

MR. HABERER: That is what I said.

MR. METZLER: I just wanted to understand it.

MR. STEIN: Thank you.

Are there any further comments or questions?

MR. KLASHMAN: No.

MR. STEIN: Let me go off the record for a minute.

(Discussion off the record.)

MR. STEIN: Let's go back on the record.

Mr. Metzler?

MR. METZLER: Dr. Leone, Commissioner of Health for Suffolk County, is the next person. He appears both for himself and for the County Executive.

STATEMENT OF GEORGE E. LEONE, M.D., COMMISSIONER, SUFFOLK COUNTY DEPARTMENT OF HEALTH, RIVERHEAD, NEW YORK

DR. LEONE: Mr. Chairman, Conferees and Ladies and Gentlemen:

My name is George Leone, Commissioner of Health of Suffolk County, and on behalf of the County Executive, Mr. H. C. Dennison, who regrets he was unable to attend this conference, I want to welcome both the Federal and State conferees for this enforcement affecting pollution problems of Moriches Bay.

The County Executive has repeatedly expressed his concern, as well as others, on the duck waste problem, and many of you know his position. He has asked me to wish this conference success in bringing this matter to a final resolution, but especially as it pertains to duck pollution.

Both the Federal and State governments are now joined together to work towards enforcement of the orders that have come upon the duck ranchers that were congregated as a result of this conference, and the County Health Department has worked cooperatively, as the State Health Department knows, for the last twenty years in these pollution problems.

As a result of our concern with the progress being made on the orders that have been placed upon the duck farmers, with your permission, Mr. Chairman, I would like to read a resolution that was passed unanimously by the Board of Health of Suffolk County at a regular meeting on February 28, 1968, in connection with duck pollution.

G. E. Leone

May I?

MR. STEIN: Yes, go right ahead.

DR. LEONE: Thank you.

"RESOLUTION BY THE SUFFOLK COUNTY BOARD OF HEALTH

"WHEREAS, The Suffolk County Board of Health is vitally concerned with the water pollution problems created by the duck farms in Suffolk County, and

"WHEREAS, the Board of Health has been informed that the orders of the New York State Commissioner of Health have been amended to require the installation of aerated lagoon and disinfection treatment facilities by June 30, 1968, rather than by April 1, 1968, and

"FURTHER THAT, phosphate removal facilities will not be required until June 30, 1970, and

"WHEREAS, the Suffolk County Department of Health reports that the rate of compliance by the duck growers to initiate the construction of the necessary waste treatment facilities has been too slow, therefore, be it

RESOLVED, That the Suffolk County Board of Health urges that the State Commissioner of Health take the necessary legal action to assure that all duck growers adhere to this revised time table for the solution of this long-standing water pollution problem, and be it

G. E. Leone

"further

"RESOLVED, That copies of this proposed resolution be furnished the following:

"Hollis S. Ingraham, M.D., State Commissioner of Health

Dwight F. Metzler, Deputy Commissioner, Environmental Health Services, New York State Department of Health

Arthur G. Baker, M.D., Associate Commissioner of Health, New York State Department of Health

Andrew C. Fleck, Jr., M.D., 2nd Deputy Commissioner of Health, New York State Department of Health

William R. Donovan, M. D., Regional Health Director, White Plains Regional Office, New York State Health Department

John E. Harrison, P.E., Regional Director of Public Health Engineering, White Plains Regional Office

Mr. H. Lee Dennison, Suffolk County Executive

Mr. John V. N. Klein, Chairman of the Suffolk County Board of Supervisors

U. S. Public Health Service -- Region II

G. E. Leone

"Mr. Murray Stein, Assistant Commissioner for Enforcement, Federal Water Pollution Control Administration, Department of Interior, Washington, D. C.

Mr. Paul DeFalco, Jr., Deputy Director, Northeast Region Federal Water Pollution Control Administration, Department of Interior, Metuchen, New Jersey

"Adopted unanimously in the regular meeting of the Suffolk County Board of Health held on February 28, 1968."

I just want to add one or two encouraging observations that I have heard this morning.

I think, in view of Commissioner Metzler's conversation with Mr. Haberer, I am encouraged that it appears that the State Department of Health will remain firm on insisting that the duck ranches comply by June 30th.

Of these 43 duck farms that were placed under these orders, I note that as to 14 of them, seven will not be operating, and that action will be taken as to the other seven to bring them into compliance.

That completes my statement.

MR. STEIN: Thank you, Doctor.

Are there any comments or questions?

G. E. Leone

MR. METZLER: Well, I would like to comment on the very fine support which we have had in the investigative phases particularly that are essential for these enforcement actions, and also on the assistance of the local Health Department insisting on those farmers and ranchers who are going ahead with their facilities.

This cooperation is very much appreciated.

Also, I would like to welcome their strong support to a rigid enforcement program.

DR. LEONE: Thank you.

MR. STEIN: Thank you.

Are there any other comments or questions?

(No response.)

MR. STEIN: Mr. Metzler?

MR. METZLER: The next person is Mr. Charles Barraud, Supervisor of the Town of Brookhaven.

(No response.)

MR. METZLER: Maybe things are going so well -- how about Mayor Waldbauer?

(No response.)

MR. METZLER: All right.

How about Nelson Slager of the Oyster Institute?

N. Slager

STATEMENT OF NELSON SLAGER, SECRETARY OF FIRE ISLAND FISHERIES, INC., BAY SHORE, NEW YORK, REPRESENTING THE OYSTER INSTITUTE OF NORTH AMERICA

MR. SLAGER: Mr. Stein, Conferees:

I am Nelson Slager, representing the Oyster Institute of North America, the trade association representing the clam and oyster producers of our country, of which I am one; specifically, Secretary of Fire Island Fisheries, Inc., Bay Shore, New York. I am pinch-hitting for Mrs. Wallace, Director of the Oyster Institute who is in Washington, D. C., for Congressional hearings of high priority for our industry. Those matters are not more important than the subject before us here, but she is especially indispensable to our needs there right now, and as a local man I shall try to represent the Institute in this local need.

Just at the time the first session of this conference was held on September 20-22, 1966, the need for our interest in these proceedings was being reinforced by a recurrence of the eutrophication of these waters resulting in another significant bloom of Nannochloris. We have been able to substantiate the harmful results once again in our production reports on shellfish.

Beginning in the fall of 1966 and continuing throughout

the winter and early spring of 1967, the crews of our clam dredges and other clamdiggers told us the clams were not growing normally. Our production and cost records after that proved the observations to be true.

It was not until summer 1967 that clams showed the recovery from their bad diet, and it was fall before they had grown sufficiently to meet the market demand. Attached is a table showing the ex-vessel price of Little Neck clams during 1966-67 and 1968, which gives some indication of the effects of supply variations on the market.

The low point was $11 in 1966. It rose gradually to 12, 13, 14, 15, and then finally in 1967 came back to 13 and 12, and now it is back down to 12 again, after a short period during the winter of a high critical market.

The above data is reinforced by a more sensitive indicator -- the oyster. Our oyster hatchery in West Sayville has been in production since the summer of 1964. We have just completed our annual transplanting and have had to write off the 1964 and 1965 crops due to mortalities during 1966. A major cause of our loss is the superabundance of Nannochloris. The 1966 seed was under controlled conditions long enough to survive the initial stress and the 1967 conditions were more favorable, so we now look forward to an eventual harvest from our hatchery efforts. Attached are the results of the current

transplantings.

In addition to the seed oyster picture, the mature oyster condition has suffered to such an extent that their marketability in the fall and winter of 1966 was greatly reduced.

The oyster industry here has not returned to the substantial proportions that a crushing blow would affect many, but it certainly is discouraging to me to make a substantial investment in an effort to reestablish an industry using the latest techniques offered by painstaking research, and then lose its first fruits. We wish the duck industry would invest proportionately in its own future by applying the latest research in sanitation and pollution control.

For 25 years we have had to suffer the consequences of the dallying of the duck farmers. The schedule they agreed upon last June must be met. (See Section 7 (a), (b), (c) and (d), pp. 130-131. Proceedings of Second Session, June 21, 1967.)

We are confident some duck farmers are going to survive the costs of cleaning up their own industry, and those who do it quickest will do it cheapest. It has been our experience that the sooner a capital project is started and completed the lower the cost. To plead that a competitor who does not control his effluent now will have an advantage, holds

no weight, since all will have to face the problem, and the later he faces up to it, the more it will cost him.

We are dependent upon the engineers of the State of New York and the Federal Government to improve the circulation of water at Moriches Inlet. We are grateful for motivation by the Federal Water Pollution Control Administration for the improvement of the waste treatment plant at Patchogue to meet the sewerage disposal needs of that community and thereby improving the water quality of Patchogue Bay.

Dredging Sludge. Dredging the sludge from the creeks is of great concern to us. Probably some unwise removal of sludge in 1966 released nutriments which helped trigger an outbreak of Nannochloris. For this reason we are primarily interested in a cautious and safe approach to this problem. Furthermore, we understand that any removal of sludge is contingent upon special State appropriations which have not yet been made.

We understand that the completion date for construction of the duck waste treatment plants which was scheduled for April 30, 1968, may be put off until June 30, 1968. We wish it to be clearly understood that there must be no further extension.

We further understand that these plants are very effective, after the waste has been held in the lagoons for a

period of five days for the removal of suspended solids, for improvement of the BOD condition, and destruction of bacteria, via chlorination. However, this process will not remove sufficient phosphates. We are told that a delay is being requested for removal of phosphates. We strongly oppose such a delay. We believe the use of lime would be effective in providing a solution to this problem, until a more satisfactory method is developed.

I would like to speak to Mr. Haberer later on that point, if possible.

Now that the duck farmers have promise of such a large measure of success in controlling their pollution, the Long Island Duck Farmers' Cooperative should be encouraged to assume responsibility for self-policing of their industry. It will mean conscientious effort on the part of responsible personnel to assure full effectiveness of the treatment plants. With periodic check-up by the county Health Department, a situation will develop to ensure proper operation and good will between everyone affected.

If there is any doubt that this is not possible, let there be continuous, mandatory inspection.

The members of the Oyster Institute are deeply grateful to the conferees, who by their close attention to this problem have given the necessary impetus to those who must

provide the solutions. Its quick implementation will mean so much to all the shellfish interests in this area; they are considerable. In 1967, 3,106 clam diggers' permits were issued in the State of New York. Of this number, 60 percent, or about 1,850 families, were entirely dependent upon shellfishing for their livelihood. Another 15 percent, or 450 diggers, are especially deserving of your consideration, namely, those high school and college students who dig clams during vacation time to finance their educations. Over the years I have personally known a great many of them who are now teachers, engineers, scientists, and even political scientists. One of my pleasures as a shellfish dealer has been to watch these young men develop into our richest resource -- the citizen realizing his greatest potential. Please continue to do all you can to restore the environment of the sea, so the sea resource can be beneficial to all citizens.

One final word is one of appreciation for those public servants who are engaged in the pollution abatement program. The firmness of the conferees here is so necessary to back up their efforts -- to hold the line for them -- not to give ground for delays -- so they can achieve success and encouragement. We must not lose the fight because of frustration.

Thank you.

(The table attached to Mr. Slager's statement follows:)

Ex-Vessel Price of Little Neck Clams

Table One

Jan. 1, 1966	$11		
Feb. 1, 1966		13	
Mar. 8, 1966	12		
18	11		
May 9, 1966	12		
July 7, 1966		13	
Oct. 17, 1966	12		
Dec. 6, 1966		13	
Jan. 1, 1967			14
20		13	
Feb. 20			14
April 18		13	
June 1, 1967			14
12		13	
28			14
July 19		13	
Sept. 11			14
Oct. 4		13	
13	12		
Dec. 1		13	
11	12		
Jan. 1, 1968		13	
5			14

Table One

(Continued)

Jan. 15, 1968																			18
22																		16	
Feb. 2																	5		
23																			18
March 8																		16	
16																15			
20														14					
25												13							
Apr. 2										12									

Table Two

1964	2,000 Bu. Seed	90% Mortality
1965	2,100 Bu. Seed	90% Mortality
1966	1,400 Bu. Seed	29% Mortality
1967	2,500 Bu. Seed	20% Mortality

* * *

MR. STEIN: Thank you, Mr. Slager, for a very comprehensive statement.

Are there any questions?

MR. METZLER: It is a very fine statement.

N. Slager

Now, I think I possibly showed my lack of understanding of all the problems of shellfishing and my lack of experience at the first conference here, and, if you will permit me, I would like to ask a question or two primarily for my own information.

As we stop the pollution from the duck farms, the organic and the bacterial pollution, doesn't this eliminate most of the problems so far as shellfishing is concerned, so that we do have a little time to work on the nutrient problem?

MR. SLAGER: Yes, I would say so.

MR. METZLER: Do we have more time for the nutrient problem than we have with the bacterial and the organic problem?

MR. SLAGER: It is hard for me to distinguish -- I am not a chemist -- the difference etween the nutrient problem and the biochemical problem. I wouldn't know.

I do know that there has been relief from the situation periodically, particularly due to the improvement of Moriches Inlet. This relieved the situation for us considerably.

However, we are always in danger, as long as the duck farms are allowed to permit their effluent to flow into the bay. We never know what is going to happen in Moriches Inlet.

N. Slager

I think it is a fine thing that the Army Engineers are making a study of it, which hopefully will provide the correction of this situation; but until that, we are always in danger.

As far as nutrients, I can't answer your question. I don't know. Our great concern now is the phosphates, I believe. That is the problem.

MR. STEIN: I think your statement is very fine, but I think we have to come to grips with one operation here.

As far as I can see, the New York program in dealing with the duck farms has been a vigorous one, and one that, of course, has to be carried out equitably, but we ran into a snag in dealing with this problem.

At the conference we asked for a substantial reduction of phosphates. I think it is to the credit of New York, certainly, and possibly the people who are working with the duck farmers, that when they began getting the first results on the amount of phosphates being reduced, maybe twenty-five percent, they called us up immediately and they notified the Federal people. They called me in Washington and said, "You know, we are not really getting a substantial reduction of phospates. What do we do?"

This is sort of analogous to that Patchogue situation -- not that the Mayor of Patchogue doesn't want to go ahead

with secondary treatment. He is ready, but he has to integrate that and dovetail that with the financing in the area.

The question was: What do we do? The best thing to do was to call on the top scientists we knew who are working on this program all over the country, because the nutrients are a tremendous problem all over the country, and ask them to come up. Now, your point was that all you have to do is put in lime in an interim way to do this.

MR. SLAGER: Right.

MR. STEIN: I am not sure that our scientists are convinced, and we have to again relate this to a kind of cost operation.

MR. SLAGER: Yes.

MR. STEIN: We knew from the beginning, for example, that you could remove phosphates by getting, if you ever pay enough for, any flocculating material.

For example, this may be about ten years ago, we had some radioactive phosphates in an installation, the phosphorus didn't come necessarily from this, but we had to get it out. We did get it out. Of course, we got it out because of the radioactive nature. We used alum, as I recall, another flocculating material to get it out.

The question here is with the duck farmers. If, from what I gather our scientists say, there is no really

economic way that you can ask the duck farmer to do that with the lagoons with the present known technique and get a substantial reduction, what do you do?

I think Mr. Metzler pointed one of the ways. If we stop the bacteriological loading of the water from the duck farms, more and more beds will be able to be opened because the pathogens won't be there. The nutrients will be there. Maybe they won't grow, but at least the areas will be opened.

But Mr. Metzler has suggested, and they haven't allowed this open too long, that they would go to June 1970 until we come up with a reasonable solution to handle the duck farm wastes.

I would like to indicate this: I hope you can convince the State scientists and our scientists, and maybe one of those young engineers who got his education picking up those clams during the summer, that we have a reasonable way to move on the phosphates.

Looking at our program and the State program, if either of us thought there was a reasonable way to move on the phosphates with the duck farmers now and we really could do this at this time within the equitable requirements, do you really think that we would, or the State would have devised this year-and-a-half program?

What is the point of their saying if they are not

proceeding in two months, they are going to take this firm action on the one that we know how to do, and why do they give the other?

MR. SLAGER: Yes.

MR. STEIN: The reason I am going into this is, I want you to come along with this in a joint program, because I think the notion here just to say that you can add lime and remove the phosphates does not necessarily get it done.

MR. SLAGER: Well, I agree with you, and it is very easy for me to say, obviously, just add lime.

MR. STEIN: Right.

MR. SLAGER: However, I don't know if you are familiar with it, but there have been results published on municipal plants.

MR. STEIN: We have looked into that, sir. In equating the discharge in municipal treatment plants, where you have pipes and all kinds of refined equipment that can adjust flows and retention chambers, and in attempting to relate that to a lagoon, I hope you have the technical know-how among the people you have, because I have not been able to find it, nor has Mr. Metzler been able to find it in our nationwide contacts. We went through that and we just drew a blank.

MR. SLAGER: Yes. I have confidence in your resources, Mr. Stein.

MR. STEIN: That's right, but this is the point. We thought of that and we went through that thoroughly.

We have not found yet that you can use the techniques completely taken from a sewage treatment plant and put them in a lagoon of the type you have here.

MR. SLAGER: All right.

MR. STEIN: Is that a fair statement?

MR. METZLER: I think this is a fair statement.

If I could just recap here the dilemma that we were in, we do have some municipal plants that are now being designed in New York State that should provide phosphate removal of about 70 percent, but these are plants that are large in size. They have laboratory control.

You can spend more for costs of treating; you can spend more for phosphate removal; and, as a matter of fact, phosphate removal may cost almost as much as the treatment may cost.

We are aware of these. I have seen some published reports that go as high as 90 percent. I simply have seen nothing that convinces me at the moment that we know how to take out more than about 70 percent, even in these pretty complex large municipal plants.

We have been working with Assistant Commissioner Weinberger of the Federal Water Pollution Control Administration.

We took a look at all the data that we had here, and we decided to mount a problem during the next two seasons to see if we can't get something substantially better than 25 percent, because if we lock in now at the 25 percent, and then come along and find a way a little later to do 50, you are not going to be satisfied with the 25. We did not think this was substantial.

MR. STEIN: I don't know that the water conditions will be satisfied with the 25.

Just one more point to really try to give you what we are doing.

We have the same kind, in a philosophic sense anyway, problem of eutrophication in the Great Lakes. We have two Great Lakes that we specifically are concerned with. One is Lake Erie and one is Lake Michigan. We have asked for an 80 percent removal of the phosphates in Lake Michigan.

Mr. Metzler will be coming to Lake Erie soon when we settle this to go back at that.

Here is what happened: We asked for this 80 percent removal for these most sophisticated municipal waste treatment plants and industrial waste treatment plants. We are asking for 90 percent BOD removal, at least chlorination of the effluent in the latest plants.

The engineers have asked us, "How do you achieve this

80 percent phosphate removal?"

On May 1st and 2nd, we are having a meeting in Chicago, for two days, a technical meeting, where we are bringing Dr. Weinberger and his staff in to outline to the engineers how they can get this phosphate removal.

The engineers, you have to recognize, are going to install the most sophisticated plants with the most sophisticated treatment. We expect, because of the interest in this, to have about 500 of these engineers in attendance.

With that, giving you where we are on the big operation, the notion that we can really have the state of art on a place like a duck lagoon is stretching it a little, and, I suspect, realistically.

We are all going to have to work together to come to the day where we can do this.

There is one last point that I would like to put out. I don't think New York or we would ever do this, but, you know, sometimes people fool with semantics. When they were getting 25 percent phosphate removal, the requirement here was 25 percent, and someone could have said, well, this was a substantial removal of the phosphate, and let it go.

To the credit of New York State, they did not say this, and we did not say it. We said this was not substantial and we have to do better, and we have to face up to the problem.

N. Slager

I recognize, sir, that with the duck industry and yours, this is possibly going to be a sore point until we get over this. I am not sure I see the end of the tunnel on this phosphate removal yet, but we are asking the duck farmers to get a pretty substantial reduction of the pathogens, so that won't affect it, and we hope to have a little more time, and, with your sympathetic help and the duck farmers', we hope to come up within a reasonable time, and I am not sure 1970 is too far in the distance, and with a reasonable solution that you can live with.

As far as the State and Federal program is concerned, we have identified what I think is a problem area where we do not have the complete answer yet.

MR. SLAGER: Yes. Thank you very much.

MR. STEIN: Thank you very much, sir.

MR. KLASHMAN: Off the record.

(Discussion off the record.)

MR. STEIN: Mr. Metzler?

MR. METZLER: We will next hear from Mr. Usinger of the Bluepoints Company, representing Mr. Mercer, who is in England, I understand.

STATEMENT OF EMIL USINGER, BLUEPOINTS COMPANY,

WEST SAYVILLE, NEW YORK

E. Usinger

MR. USINGER: My name is Emil Usinger. I am Production Manager for the Bluepoints Company. We are oyster and clam farmers in Great South Bay.

Mr. Stein, Gentlemen:

Thank you very much for letting me represent Mr. Mercer, who is out of the country, and this is his statement that I am about to read.

At the first session of this continuing enforcement conference, the Bluepoints Company detailed its long concern with the pollution problems that beset the area under consideration. In demonstration of its interest, the company reviewed its participation in a range of projects commencing with an early biological survey in 1932, through numerous legal attempts at pollution abatement from 1949 to present. In a period of thirty years the company has heard many arguments, interminable defenses and procrastinations, has seen innumerable gadgets and passed through deadline after broken and neglected deadline. When all the verbal dust had cleared as of today, the duck sludge yet flows unvexed to the sea.

When it was learned in September of 1966 that a precedent setting enforcement conference under Federal-State auspices would be convened to consider the matter, there was general elation. After an extensive review through a general session, after repeated hearings of a specially constituted

committee once again certain mechanical guidelines were erected and certain deadlines mandated.

To quote from the conferees' unanimous conclusions and recommendations:

> "...there shall be... plans for construction for adequate waste treatment facilities to remove at least 85% of suspended solids and at least 85% of the biochemical oxygen demand and a substantial portion of the phosphates...and facilities for disinfecting such wastes...so as to maintain a chlorine residual..."

In various local newspapers on or about January 27, 1968, articles appeared indicating that "plans for reducing duck pollution did not include a satisfactory method of removing phosphates." In addition, it was noted that the "new plan" called for "installation by June 30" of "$400,000 worth of antipollution equipment in 27 of Suffolk's 48 duck farms." It was evident to the casual reader that modifications were already in the mill.

On April 10, 1968, a representative of the company visited a sampling of duck ranches within the enforcement area including Carmen's River, Forge River, Terrell's Creek and Seatuck Creek. All farms visited had a sizable crop of duckling well under way. Observations of the various ranches included:

1. Of the eight observed, only one was using

tne settling lagoon and appeared to have a serviceable pumping station.

2. Of the seven farms where settling lagoons were not currently in use, observations of the lagoon indicated they had not been cleaned or been in use for an extended period.

3. Of the sample of eight, there was evidence of earth-moving on two. Otherwise all equipment and installations were the standard ones required some 15 years ago.

4. None of the three operators encountered had heard of the need for chlorination.

5. One operator complained bitterly of the standardized plan which appeared to be in no way applicable to his plant. He suggested in his remarks that it would have been helpful if the engineer-designer had visited the plant before designing for it.

From these observations the company concludes:

1. Compliance with the abatement mandates of the last 20 years is minimal.

2. If operators of the farms have trouble with the maintenance of earthen pits and simple centrifuge pumps, how will they cope with aerators and chlorinators?

E. Usinger

3. Despite all its gadgeting, phosphates are not easily or cheaply removed. In fact, for these operations the only way to remove the threat of the consequences of phosphates is to remove the farms from the water. In any event, the difficulty of phosphate removal should not hinder the installation of the basic secondary treatment mandated.

4. Before any final conclusion the company will subscribe to the adage: Action speaks louder than words.

Thank you.

MR. STEIN: Thank you, sir.

Are there any comments or questions?

MR. METZLER: I might want to ask some questions after I hear from the duck farmers, but, at the moment, I would rather wait until after Mr. Houck has had a chance to comment.

MR. USINGER: Thank you for the opportunity.

MR. STEIN: Thank you.

MR. METZLER: The next speaker is Mr. Nelson D. Houck, who is General Manager of the Long Island Duck Farmers Cooperative.

#3

STATEMENT OF NELSON D. HOUCK, GENERAL MANAGER, LONG ISLAND DUCK FARMERS COOPERATIVE, EASTPORT, NEW YORK

N. D. Houck

MR. HOUCK: Mr. Chairman, Conferees, Ladies and Gentlemen:

I am Nelson Houck, General Manager of the Long Island Duck Farmers Cooperative, and today I represent all the duck growers on Long Island.

In the time since the Patchogue conference in September 1966, the duck industry has worked continuously to eliminate pollution of the waters of the State.

During the fall of 1966, a 50,000 gallons per day pilot plant was constructed at the De Piazzy Farm in Moriches. The plant was operated from January to November 1967 and provided valuable data necessary for the construction of full-scale waste treatment systems for the duck farms.

The State Department of Health had set four criteria for treatment of duck waste. The effectiveness of the pilot project can best be illustrated by the extent to which it met or exceeded these standards. The Department established an 85 percent level for biochemical oxygen demand removal. Actually, the plant exceeded these figures. They specified removal of 85 percent of suspended solids -- the treatment system successfully removed a greater percent than the standards that were set up. The Department indicated that wastes must be effectively disinfected. Chlorination of the plant effluent admirably accomplished this end. The final stipulation required substantial

removal of phosphates. The plant operation averaged 44 percent removal, which might be construed as substantial, but which met neither our expectations nor our self-imposed functional level. Research on this phase will continue and with the consultive help of Cornell University we feel that phosphate removal can be increased possibly to 80 percent.

In the fall of 1967, plans for waste treatment facilities for 30 duck farms were submitted to the State Department of Health. The plans were approved in February 1968.

Construction of waste treatment facilities are under way on 24 duck farms. Four other farms are taking their ducks off water and converting to dry farming, where construction is slow or just starting. It is a case of a limited number of contractors and a matter of contractors getting from one farm to another.

We anticipate that by June 30, 1968, the duck industry will have complied with the State's order to eliminate pollution of Moriches Bay, and that within reasonable time thereafter a more effective method of phosphate removal, we are confident, will be worked out and installed in the duck farms.

MR. STEIN: Thank you, Mr. Houck.

Are there any comments or questions?

(No response.)

MR. STEIN: Let me ask one.

As I read your statement, there is no duck farmer who doesn't want to be in compliance?

MR. HOUCK: As near as possible. There are some financial problems in a couple of cases.

MR. METZLER: I wanted to inquire how close we had come, referring to the thought Mr. Haberer indicated, as to how many were moving according to our records, and they indicated that there were seven that we were going to have to move against in an enforcement action.

Does that tally with your tabulation?

MR. HOUCK: Of course, mine is as of yesterday, which is perhaps the latest you could have.

MR. METZLER: That is considerably later than ours, I am sure, by two or three days.

MR. HOUCK: And we have every intention of not having you have to get anybody into court one way or another.

I realize that we have a lot of individuals to work with, and there are a lot of problems when I say that, but it is possible, I think.

MR. METZLER: The question has been raised about the ability of the individual duck farmers to operate these facilities, even though engineers can design them.

What plans do you have to assist in seeing that

these facilities are adequately operated?

MR. HOUCK: Well, at the De Piazzy farm there is a pilot plant. We had a farmer who handled that and did it very successfully.

As far as the facilities go, we have gotten certain types of equipment on all farms, so that our upkeep or maintenance should be minimal, and we will do that from our cooperative, we anticipate, and from the angle of testing we are hoping to work with our Long Island Duck Research Laboratory, with a technical engineer from there, that can be set up to go around and sample on each farm periodically after we have been able to work out a proper setup for the Department of Health.

MR. METZLER: Well, I am sure that anyone who has been able to survive in the duck business this many years is able enough to operate these facilities, but I was wondering whether or not they have the time.

I think that these plants that the Association has have gone a long way towards seeing that the facilities are adequately operated. Certainly, from our point of view, we will have to maintain surveillance from the enforcement agencies.

MR. STEIN: Mr. Klashman.

MR. KLASHMAN: I would like to ask one question. There is one plant that was built about seven or eight years ago for two farms. I can't recall the names.

MR. HOUCK: Baker and LaMotta.

MR. KLASHMAN: What is the status of that particular operation?

MR. HOUCK: Well, they are just not operating. Apparently it never was too successful.

MR. KLASHMAN: Is the farm operating?

MR. HOUCK: No.

MR. KLASHMAN: The farm is closed?

MR. HOUCK: Yes.

MR. KLASHMAN: So that, in other words, there is no reason for its operation?

MR. HOUCK: Right.

MR. KLASHMAN: What has happened to the farm?

MR. HOUCK: Closed.

MR. KLASHMAN: I mean, is it just lying there?

MR. HOUCK: Yes. It has been bankrupted.

MR. KLASHMAN: But no ducks?

MR. HOUCK: That's right.

MR. KLASHMAN: Thank you.

MR. STEIN: Thank you very much, sir.

Are there any other questions? Mr. Metzler?

MR. METZLER: I don't have any other questions.

I have one additional witness who has notified me, and, if there are others, if you would let me know at the

conclusion, I will call on you.

Mrs. James Sherard, who is Water Resources Chairman of the League of Women Voters, wishes to testify.

We are glad to have you back again, Mrs. Sherard.

STATEMENT OF MRS. JAMES R. SHERARD, WATER RESOURCES CHAIRMAN, SUFFOLK COUNTY COUNCIL, LEAGUE OF WOMEN VOTERS, OAKDALE, NEW YORK

MRS. SHERARD: I am Mrs. James R. Sherard of Oakdale, New York, representing the League of Women Voters of Suffolk County.

We are pleased to see you again in our county checking up on the progress of the work being done under the recommendations of the Long Island Coordinating Committee appointed by the first Conference on Pollution of the Navigable Waters of Moriches Bay and the Eastern Section of the Great South Bay.

The League has been in contact with some of the conferees when deadlines were reached and no concrete evidence of compliance was seen. We thank you for your attention to our letters.

There are several aspects of the original recommendations which we would like to bring up at this time. First in relation to the standards for sewerage treatment plants. Are New York State Health Department requirements adequate in all

cases? We refer to the proposed Patchogue Treatment Plant. At present a primary treatment plant is dumping its effluent into the Patchogue Creek. The improved system would give secondary treatment and chlorination, which is still far from ideal considering the body of water into which the effluent will be dumped. Has the possibility of putting the effluent into the ground been explored? This would essentially give tertiary treatment if done properly. Indeed, even beyond effecting greater treatment it might help to maintain our water resource by preventing salt-intrusion and keeping water levels at their highest. Sewerage systems built by developers in the middle of the Island are using this method. Is it not that much more important in a community on our shoreline?

Secondly, you heard just a few minutes ago the proposal that Brookhaven Town might well have to decide whether or not to come into the Patchogue system, or part of it, at least, and these are all questions in which the public quite often has a voice through their politicians, if not directly.

Secondly, how high a standard of phosphate removal can be maintained in a small treatment plant such as that designed for the duck farms? The recommendation of the committee was for "a substantial portion of the phosphates to be removed." The feasibility of adequate removal of phosphates

has been explored by many. Various claims have been made and so far it seems that many of the cheaper processes have been successful only in laboratories or in a small number of plants designed for them. Is it true, as we have explored this question with many in this area, that we should expect over 70 percent removal and a deadline be written into the recommendations?

In order to clean up our waters and keep them at the highest possible standards, we must have public support for appropriations and action. The public can vote down sewerage systems, public water supply systems and maintain that cesspools are an adequate means of disposal or the public can demand that our waters be clean. We need public education in the field of water resources here in Suffolk County. At present, we have one Health Educator in Suffolk County. The Board of Supervisors will not allocate funds for more. The sanitary engineers in the Water Resources Division of the Suffolk County Health Department and local officials of the State Conservation Department have worked overtime on public education, yet a few well-chosen newspaper articles and pamphlets by the opposition seem to reach many more people. We understand there are vacancies in positions for Health Educators at the State level. Could funds be transferred so that the Water Resources Division of the County Health Department and the local office of the State

Mrs. J. Sherard

Conservation Department could hire Public Health Educators or trainees?

Enforcement is still a major problem in our county, and we are facing it today very strongly. As long as cesspools are being built we must see that they come up to specifications; as long as small sewerage plants are built, we must see that they are built and maintained at high standards; as long as we do not have a comprehensive sewer system we must see that adequate enforcement of presented laws regarding sewerage disposal for homes, restaurants, industries, hospitals -- just to name but a few -- be maintained. This means more expenditures in this field and greater insistence by all agencies concerned that their standards be observed.

The League has endorsed the concept of the Great South Bay Commission in which the four levels of government represented would formulate a plan and carry it through to ratification and implementation. The State Water Resources Commission has not supported this legislation, to our knowledge. They have indicated that perhaps a Regional Board under existing legislation would solve the problems at hand. We would propose careful consideration of the present legislation and proposed legislation so that we can come up with the best possible means of saving our bays.

In summary, let me say we would ask: (1) Are the

standards for the proposed Patchogue Sewerage Treatment Plant adequate? (2) Are recommendations going to be incorporated which would give the degree of phosphate removal deemed necessary and would establish deadlines for achievement by the proposed Duck Farm Treatment Plants? (3) Are State funds available for more health education in Suffolk County? (4) Can Suffolk County maintain a higher degree of enforcement of present standards of the Health and Conservation Department in face of growing demands? (5) Will the Water Resources Commission carefully consider all legislation, proposed and existing, which attempts to get cooperation of all levels of government to solve the problem of saving our bays?

MR. STEIN: Thank you.

Are there any comments or questions?

MR. KLASHMAN: Most of the questions are directed to Mr. Metzler.

MR. STEIN: I am sure he is going to thank you for that comment.

MR. METZLER: I appreciate this cooperation.

MR. KLASHMAN: On Item No. 1, I would just like to make an observation.

It would seem to me that the proposal that, if the timing of the regional plant is not right, Patchogue move ahead on its own with the understanding that they design the

plant so that it can take in the additional drainage, would certainly be a far better move rather than to not get anything. I mean, it would seem to me that this is not an unreasonable proposal by the State. I just wanted to make that comment.

I understand that is what your proposal is, and I don't think that is unreasonable at all if that is what they decide.

MR. METZLER: Again, it is a matter of timing.

I think the League understands timing better than almost anybody else moving in public affairs, so the decision we are having to make is whether we can move a regional project fast enough, or whether we must take the interim step.

My impression, just on the discussion of the last few days, is that we will probably conclude it is better to take the interim step of getting the treatment.

Now, as to your question as to the adequacy of the treatment, there are others, I am sure, who can speak more knowledgeably, and I invite Jack Harrison or Herb Davis, if he is here, to comment on this.

My impression is that with the high degree of secondary treatment combined with chlorination, actually this is an adequate degree of treatment.

I assume that you are thinking perhaps of the phosphate removal or nutrient removal?

MRS. SHERARD: Yes.

MR. METZLER: All I can say is we will be alert to this, and it is an extremely important question.

As a matter of fact, I have raised some of the same questions with respect to whether it was good water resources management policy to export all the rainfall, or a substantial amount of the rainfall and groundwater, through sewers into the ocean, rather than recharge them. I think from the standpoint of management of water resources, we ought to consider this. We are considering it rather seriously in some other places.

MR. STEIN: Are there any further comments or questions?

MR. METZLER: I just have a few of these in my mind.

With respect to Health Educators, you are quite right about the information that we have about fourteen positions budgeted that we can't fill in the State Health Department for Health Educators.

I am very much interested in looking into this with Dr. Leone to see if there is any possibility that we might be able to use those funds.

MRS. SHERARD: We feel we try at least to do a little bit.

I know the men in the Health Department have tried

so hard, and the Conservation Department.

MR. METZLER: It is a good suggestion, and we will follow it through.

MRS. SHERARD: Thank you.

MR. STEIN: Thank you.

Mr. Metzler?

MR. METZLER: Are there any other persons from New York State who want to testify?

These were all the names that were submitted to us in advance. I believe that concludes the group then.

MR. STEIN: Yes.

MR. FURMAN: Is this only for New York State?

MR. METZLER: Anyone from the local communities or from the State who might want to testify.

MR. FURMAN: Well, I am representing Southampton Bays. Do you want to hear me now?

MR. METZLER: Yes, sir.

STATEMENT OF EDWIN S. FURMAN, PRESIDENT, SOUTHAMPTON TOWN BAYMEN'S ASSOCIATION, BOX 180, HAMPTON BAYS, NEW YORK

MR. FURMAN: I am Edwin S. Furman and I represent the Southampton Baymen's Association.

I wanted to have this typed up for you, but my

secretary was sick, so we couldn't do it at the last minute. I am sorry.

At the first Federal enforcement conference I made a feeble attempt to warn of the danger to our shellfishery of enlarging Moriches Inlet. Since that time, the inlet has deepened somewhat and we are getting more ocean water with higher and lower tides all the time. This condition has already eliminated considerable bay bottom from clam production. The clams cannot survive in the very high salinity with the lower water temperature and the rough open water of wintertime within several miles of a free-flowing inlet.

If we look at an old, established inlet like Fire Island, there is very little commercial production of hard clams within six miles, and that is nautical miles, of the ocean. By comparison, very little of Moriches Bay is as much as three miles from the ocean, as the tide runs. Most of Shinnecock Bay is not producing hard clams today for the same reason -- too much ocean water.

This action program to clean the pollution from our bays and make our shellfish clean and safe to eat will result in the elimination of most of said shellfish, at least in Moriches Bay.

A stabilized inlet -- by all means -- but not a larger one. It can be controlled so that storms do not carry

so much sand into the bay in the future, and stop the continual channel dredging made necessary in the past.

As far as we -- the harvesters of shellfish from Moriches Bay -- can see, there has been absolutely no progress in duck farm pollution abatement. In looking at the farms themselves, you smell the air and you have to get rid of them, or in reading the Conservation Department's list of condemned areas, there is no change. And the duck farm owners were under Federal orders to completely stop all, or nearly all, polluting of our waters by April 30, 1968.

Is the Federal enforcement going to be just more talking like we have had for the past twenty or thirty years?

I guess that has been pretty much answered here today, and I hope you live up to it.

There is one thing I would like to draw your attention to, one very obvious mistake in this engineer's report which was given at the last meeting concerning Moriches Bay. It is on Page 12 of this report that you had.

MR. KLASHMAN: Which one is that?

MR. FURMAN: Well, it is the engineer's report that you had at the last conference meeting, Page 12.

MR. KLASHMAN: Do you know who was making the statement?

MR. FURMAN: What is that?

MR. KLASHMAN: What is the name of the man who was making the statement?

MR. STEIN: Why don't you read the name on the front of the report, right on the cover?

MR. FURMAN: "Report to the Conferees in the Matter of Pollution of Navigable Waters of Moriches Bay and Eastern Section of Great South Bay."

MR. STEIN: On the bottom.

MR. FURMAN: This is the Moriches Inlet Report.

MR. KLASHMAN: That is prepared by the Long Island Coordinating Committee.

MR. STEIN: All right. Thank you.

MR. FURMAN: He makes the statement here that the tide range in Moriches Bay is three feet four inches. I can't understand how anyone that spent as much as six hours on Moriches Bay can make a statement like that.

I have been over at the eastern end of the bay. I have measured it several times. In mild weather the tides are in at 28 inches.

Now, that shows we are getting a very good flow of water through Moriches Inlet.

Another thing I can't understand is why this is necessary, when they make a statement before they even started that they are going to make a channel ten feet deep, two hundred

feet wide, from the ocean. They are adding to a channel six feet deep and one hundred feet wide. They already say what they are going to do, and why all this additional work? Why not take the money and do it?

If they do that, you have got an inlet there that is eight hundred feet wide, you bring it to a channel ten feet deep by two hundred feet wide, and if you head that up into a channel six feet deep and one hundred feet wide, I think you can all visualize what happens. That six-foot channel starts moving right out in the bay.

We have got it dredged down there at Moriches Inlet now clearing that intercoastal waterway, and the ocean keeps pushing sand off the beach. It is a narrow channel and it keeps pushing it all the time, and they have to keep at it continuously.

There is another statement made here in the engineer's report where they say sludge should be removed to one foot.

I would like to know how we are going to do that. There is no water at low tide. How are you going to dig it in a one-foot depth?

That is what I have.

MR. STEIN: Thank you, Mr. Furman.

Are there any comments or questions?

MR. METZLER: I don't believe I have any.

MR. STEIN: Do you have any, Mr. Klashman?

MR. KLASHMAN: No.

MR. STEIN: Thank you very much, sir.

Mr. Metzler?

MR. METZLER: I would like to call one more witness for New York State. I would like to call Mr. Cosulich and ask him a few questions about both the design and the construction work here for the treatment works for the duck growers.

STATEMENT OF WILLIAM COSULICH, CONSULTING ENGINEER, SYOSSETT, NEW YORK

MR. COSULICH: I am a consulting engineer from Syossett. My name is William Cosulich.

MR. METZLER: The last time we were together, we adopted some rather optimistic time lines. The thought among us was that was the time that was needed to do the engineering work. We should now be well into construction of these facilities.

My principal question is: Do you see anything to keep us from actually accomplishing, or actually having in place the treatment works for those farmers that are going to move?

MR. COSULICH: I think it is moving along very well right now. Most of the farmers have contracted for earth moving or have ordered their equipment, and it is just a matter now

of the earth movers going from one farm to the other, constructing the lagoons. It just takes a few days, and I think we have made very satisfactory arrangements.

MR. METZLER: How are the costs running? Are the costs running within the range that you had anticipated?

MR. COSULICH: Good and better. The duck farmers are very good when it comes to getting the lowest price.

Just on selecting equipment, where the normal price for a five horsepower motor is $2,500, the co-op ordered them as a group and placed an order for over forty and got them for about $1,200 each. That is true right down the line, as far as the chlorination equipment and everything is concerned. By doing it cooperatively, they have gotten good prices.

They have worked together. When one farmer found an earth mover who gave a very good price, the word got around.

MR. METZLER: All right. One other question.

There have been some suggestions that we ought to investigate other methods of treatment. Have you had any farmers who have not wanted to go ahead on the basis that they would like to consider land irrigation?

MR. COSULICH: Yes. We have had conferences with the State Health Department based on some work that was done by the Federal Government on ridge and furrow irrigation, but with our conferences with the Health Department and subsequent

investigations by the engineering personnel of the Health Department, it was decided that the lagoon was pretty much the standardized solution for the industry.

MR. METZLER: And probably the most economical.

MR. COSULICH: Most economical.

MR. METZLER: As well as most effective?

MR. COSULICH: These other things may have some merits, but they are not proven. We have a time-table and we just can't take two more years out to fool around with ridge and furrow irrigation.

MR. METZLER: And your clients understand that?

MR. COSULICH: I am pretty sure they understand it. Most of them understand it. I think the responsible people in the industry understand it.

MR. STEIN: Mr. Klashman?

MR. KLASHMAN: I have no questions.

MR. STEIN: Thank you very much.

I think the basic thing that you can say, and I am sure you have said, after hearing the testimony of the people today, and we have heard it before, is that time after time the State has come, and the Federal Government has come in here, orders have been issued, directives have been issued, and you get a lot of talk and action. The indication is that you can hop into your automobile and ride up and down the street and

look at the duck farms, and it looks just the way it always was.

The hardest thing to get across in waste treatment control is you are not going to get one thing until you throw the switch in the plant.

With all the planning you do, all the ordering you do, and all the contracts you enter into, nothing is going to happen. Even in building a sewage tank, you can see it going up and up for two, three and four years, you can see all the concrete being put in, all the lab equipment, all the pipes coming in, and nothing happens to that water until you put it on stream, as these fellows here.

In dealing with waste treatment, always most of the work is done where you don't see it.

When will these people begin seeing what is happening out there?

MR. COSULICH: You can go out this afternoon and see some of the progress on the construction. There are some that are practically completed.

MR. STEIN: As I understand it, the equipment is ordered for the compliance?

MR. COSULICH: Yes, sir.

MR. STEIN: The pumps and the aerators?

MR. COSULICH: Yes.

MR. STEIN: And the pipes, I assume?

MR. COSULICH: Yes.

MR. STEIN: And the contracts have been let with the earth movers?

MR. COSULICH: Yes.

MR. STEIN: So it is just a question of their getting time to move the earth and install the equipment?

MR. COSULICH: Yes, and some are more towards completion than the others. Several are near completion now, if you want to go and see some this afternoon.

MR. STEIN: Right.

Let me just ask you to do this, or maybe the Duck Association would do it. If anyone wanted to see any of that, could they get in touch with you and would you point it out?

MR. COSULICH: Yes, or Mr. Houck.

MR. STEIN: Mr. Houck could do that, because I think this is an important thing.

You know, the dismal point from a spot like Mr. Metzler's or mine is this: That when you get a continuing stream of letters on one side saying that nothing is being done, then we check with them, and we hear the argument on the other side that, "We developed the plans; we got the specifications; we put in the orders; we signed the contracts, and so forth. What do you want us to do?"

W. Cosulich

I think the kind of communication you should have on the local issues is with each other, because the hardest thing is to go through Albany or Washington and try to get us back. We are looking for the facts. I think both the State and Federal people have assured you we mean that the time-table be met, but I think we should try to appraise these facts and see what the people are doing.

Are there any other comments or questions?

(No response.)

MR. STEIN: If not, thank you very much.

I think we are fairly close together and the conferees will be able to get together and summarize. We will do this here, but we will recess for ten minutes, and if we all get back on time, maybe we can have you out of here about half past twelve.

(Whereupon a recess was had.)

CLOSING STATEMENTS

MR. STEIN: May we reconvene?

Let me attempt to summarize the conference.

We had a time schedule set up in the last conference and an action program, involving several major areas.

It should be recognized that in all these programs, when you set up a time schedule, there is a tendency sometimes

for slippage. Sometimes we set up a time schedule which is tight, and sometimes you have unforeseen circumstances.

I think the New York State Department of Health and the duck farmers, the oyster growers, and the people in the municipalities and counties and townships of Suffolk County should be commended on the progress which has been made since we came up with the schedule. I think we will find that we are getting closer and closer together all the time, and we are finding that the oyster growers, duck farmers and the people in the cities and towns are beginning to understand each other's problems.

As far as the duck farm wastes, we can state that the program is in substantial compliance with the recommendation made as far as the reduction of the BOD.

As far as the reduction of phosphates, given the situation, I also have to state that the program is moving along in a reasonable manner consistent with the state of the art, and we will just have to follow up the phosphate program.

The target date has been adjusted on that, as you know, until the end of June 1970, and I think we have to recognize that we are moving ~~in~~ with that program.

On domestic wastes, the indications that we have had are that the town of Patchogue will be in substantial compliance with the requirements of our first session of the

conference.

We should also point out that any delays in the date which have occurred may be due not to the lack of the willingness of Patchogue or its government to meet the date and come up with the required degree of treatment, but of the effort of the State and Federal agencies to try to come up with the best coordinated system we could for the area, and with the problem of adjusting both the State and Federal aids in a coordinated program, so I think we will have to say that the municipalities are moving ahead.

With regard to the sludge deposits in the bay waters, I think the technical committee has done a good job on that.

I do think that we are in a position where, in a month, the staffs of the State and the Federal governments will have an idea of how much sludge there is, and just where it is, and we will be able to go in an orderly way to the next step of finding what the costs of the removal and disposal of the sludge should be.

This does not preclude the problem that you are going to necessarily dredge out the sludge, or at least dredge it out in all places. This may be selective, because, as we have learned from some of the statements and observations here, sometimes the removal of the sludge or a disturbance of the

sludge might create deleterious conditions.

But I think we are proceeding on a step-by-step basis. The sludge deposit problem, I suspect, will take some more time until it comes to a solution, but again, with all these problems, we have a little more time once we have cleaned up the major municipal wastes in the area and the duck farm wastes.

The project for the bay inlets and the stabilization of those inlets seems to be proceeding, again, in as rapid a fashion as is the custom in any of the inlet stabilization programs.

There is a long history to that. As you well know, there is a method that the Congress authorizes under the Rivers and Harbors Act, and the project takes its course. I do not think that there is anything to indicate that this project will not go to full fruition.

I do think that we can pretty much assume that the Corps of Engineers means business by putting in the model at Vicksburg on Moriches Bay.

I purposely asked Mr. Walker, and I didn't know the answer to that question, how big the model was, because sometimes you think of a model like a ship and a boat, but it is about half the size of this room, and when they go into an extensive model like that, they generally really are getting data for a project

that they are serious about.

There is one last point that evidently we have not made too much progress on, and I am not sure that we pointed out during the session here that you really can't expect to get the maximum use out of the waters of Moriches Bay until we meet it, and that is a regional or area-wide drainage collection and treatment system.

This is the one area that I think it is not too early to get started on. This is essential.

Let me make this point very clear to you people. I think we have a program going here, and I think after follow-ups, perhaps a few more times, you may begin looking for the Federal Government to disengage and for this to be a State-local relationship. But I strongly suspect, unless we come up with some movement toward a regional or area-wide drainage and collection system, you may have us working with the State for a long time, because, unless our data is wrong, I don't see how we are going to be able to disengage and indicate that you have corrected your pollution problem unless you have this.

There are a few notions and ideas that have come up here that we would like to point out.

A very encouraging sign has been that the Duck Growers Cooperative will possibly maintain and operate the waste treatment facilities on the farms. This, it seems to the

conferees, affords possibly the best method of achieving effective results.

It is somewhat analogous to the individual home owner not being able to treat or care of his sewage, who sends it to a central facilities, and you would need a specialist to see that these are running well.

Obviously, the duck farmers' main business is to grow and market healthy ducks and sewage disposal or waste disposal is not the main thrust of their activities.

Are there any additions or comments that the conferees want to make?

Off the record.

(Discussion off the record.)

MR. STEIN: There was one more point that I had overlooked. I knew there was one.

We had a technical committee which was very effective in keeping tabs on the situation in the Moriches Bay area and in Suffolk County and in keeping the program moving. That committee has done yeoman work and I don't think the program would have been as far along if we did not have the committee.

The committee had State, county, village representatives, the County Health Officer, and so forth on it. After filing a really comprehensive report, the committee has been disbanded. I think our intelligence and possibly getting at some

of the fine points of the problem have not been as acute since the committee has disbanded its activities.

The conferees propose and agree that we are going to reactivate this committee with the same kind of representations we had before, and, hopefully, for the most part the same personnel, except where changes will have to be made because of transfers or shifts of jobs, or other problems such as that; but I think this committee can help keep you informed, help keep us informed, and alert us to the niceties of the problem.

I suspect as we move forward into the cleanup program, the situations we are going to have to deal with are going to be more refined all tne time, and this committee can be very useful.

For example, you have identified waste sources in a very broad sense, such as municipal wastes and duck farm wastes, channel stabilization, and the sludge problem. These are all identified in the broad sense. I think we are moving to meet them all, but once we get these programs moving, unless we are luckier here than we have been anywhere else, there will be the inevitable snarls and snags, and to get around those we are going to have to make some pretty refined and discreet judgments, and this committee can help us over this situation.

Also, we would have the voice of all interested parties, so we feel that no one will be hurt and we could come

up with the most equitable proposals.

Are there any other comments or questions?

MR. KLASHMAN: I have none.

MR. METZLER: No.

MR. STEIN: If not, I again would like to thank you all for coming.

Do not despair. We are in the midst of a pollution cleanup. We should be seeing the results soon. I think this case is moving along very well.

Thank you all for coming.

We stand adjourned.

(Whereupon, at 12:20 p.m., the conference was adjourned.)

REPORTER'S CERTIFICATE

I, AL ZIMMER, do hereby certify that I was present at the time and place first hereinbefore set forth, the aforementioned parties appearing, that I took down in shorthand the entire proceedings had at said time and place; afterwards transcribed said notes; and that the foregoing 130 pages constitute a true, correct and complete transcript of my said notes.

5/27/68

Al Zimmer

* U.S. GOVERNMENT PRINTING OFFICE : 1968 O—318-131